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REPORT

OF THE

SECOND ANNUAL MEETING

OF THE

✓ LAKE MOHONK CONFERENCE

ON

INTERNATIONAL ARBITRATION

1896

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REPORTED BY MARTHA D. ADAMS

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PUBLISHED BY  
THE LAKE MOHONK ARBITRATION CONFERENCE

1896

# THE MOHONK ARBITRATION CONFERENCE.

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## OFFICERS AND COMMITTEES, 1896.

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*Secretaries:* EDWIN D. MEAD and MARTHA D. ADAMS.

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*Permanent Executive Committee:* Same as the Business Committee.

*Publication Committee:* Dr. BENJAMIN F. TRUEBLOOD, EDWIN D. MEAD, MARTHA D. ADAMS.



## PREFACE.

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THE second annual meeting of the Lake Mohonk Conference on International Arbitration was held, through the courtesy of Mr. and Mrs. Albert K. Smiley, at the Lake Mohonk House, Ulster County, N. Y., June 3, 4 and 5, 1896. Six sessions were held. This Report contains the stenographic account of the proceedings, which consisted of papers, addresses and discussions on the special subject of a permanent international tribunal and related matters.

One copy of this Report is sent to each member of the Conference. If other copies are desired, application may be made to Mr. Albert K. Smiley.

SEPTEMBER, 1896.



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# THE SECOND LAKE MOHONK ARBITRATION CONFERENCE.

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## First Session.

Wednesday Morning, June 3, 1896.

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THE Lake Mohonk Conference on International Arbitration met for its second annual session, by invitation of Mr. and Mrs. Albert K. Smiley, in the parlor of the Lake Mohonk House, on the third of June, 1896, at 10 o'clock in the morning.

MR. SMILEY opened the Conference with a brief address of welcome. He spoke of the importance which the subject of arbitration had lately assumed, and of his belief that a better day is dawning upon the nations of the earth. Since the Conference of a year ago, a great uprising of feeling all over the country had made it seem probable that the time was near at hand when differences, at least between us and England, would be adjusted without the rude determination of war, and that the example thus set might be followed at no distant day by other nations, till there shall be a general disarmament of Europe. He asked for the freest expression of opinion, together with charity and courtesy toward all, and expressed the hope that thus the Conference might reach conclusions in which it could unite, and which could be spread abroad over the country for the help of the cause.

Mr. Smiley then nominated as President of the Conference the HONORABLE GEORGE F. EDMUNDS of Vermont, who was unanimously elected, and received, upon his assuming the chair, with prolonged applause. Judge Edmunds then addressed the Conference as follows:

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### ADDRESS OF JUDGE EDMUNDS.

*Ladies and Gentlemen,* — I thank you for this very great honor. The purpose for which we have assembled is, as Mr. Smiley has said, one of the most important in respect of the material conduct of human affairs. We wish to bring in among the nations, in their relations and intercourse toward each other, the same reign of law that exists among individuals in civilized States. That is what I think international arbitration means. The constitution of all the States, and of the United States as well, is simply an arbitration agreed upon beforehand by constitutions and by laws operating between all members of the community, and having its final effect, in ninety-nine cases in a hundred, by the sheer force of moral obligation. It is only rarely that the physical force of the state has to be

brought to bear to enforce the determinations of its tribunals; they are almost always determined by an acquiescence which depends upon the moral force of intelligent public will, exerted in an orderly and fair manner.

This is what we hope international arbitration will prove to be, if it can be once adopted among men; and especially, as the first general system, between Her Majesty's government and our own. It has been often said in discussing these subjects that while an international tribunal decides one way or the other, one side or the other will be dissatisfied, and you have no mode of compelling obedience. I think we shall find that human experience among civilized nations has proved this to be an entire mistake. For there have been many arbitrations, great and small, on special occasions, between many nations; and I believe there is no occasion in which a nation which has been decided against by a court of arbitration has not cheerfully obeyed the mandate of that court, and acted accordingly. We may hope, then, that if we can only get the governments of the United States and Great Britain to begin by establishing a permanent system, before disputes shall arise that cannot be disposed of by mutual negotiation, the nation losing its case before this court of arbitration will cheerfully and obediently comply with the requirements of the decision. And that example, once given, will soon be followed. Then will come France, then will come Germany (that will make peace on the Rhine) and then will come the others. And we shall bring in, not the reign of universal peace among all nations and all men, which we cannot hope for until the millennium; but the reign of universal law that shall compel peace by the coercion of moral forces. Or, at the last resort, if there should be a case of recalcitrance, there would be the coercion of such civil forces as is exerted by the police forces in our cities. Thus we may come as near as may be, in this present state of civilization and religion, to a reign of peace.

Upon motion of Mr. J. B. Garrett, Mr. Edwin D. Mead of Boston and Miss Martha D. Adams were elected secretaries.

Upon motion, Mr. Joshua L. Baily was elected treasurer.

Upon motion of Mr. E. L. Pierce, it was voted that a Business Committee of seven be appointed by the Chair. The Committee was appointed as follows: Rev. Lyman Abbott, D.D., of New York; Mr. Samuel B. Capen of Boston; Mr. John B. Garrett of Philadelphia; Mr. Robert U. Johnson of New York; Mr. Robert Treat Paine of Boston; Hon. J. H. Stiness of Providence; Dr. B. F. Trueblood of Boston.

Upon motion of Dr. Trueblood, Rev. Edward E. Hale and Judge Robert Earl were appointed a committee to prepare and present resolutions with regard to the death of Dr. Austin Abbott, the chairman of the Business Committee at the last Conference.

The opening address of the Conference was then made by DR. LYMAN ABBOTT.

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## OPENING ADDRESS.

BY REV. LYMAN ABBOTT, D.D.

I have, Mr. Chairman and Ladies and Gentlemen, less to make an address than to make a simple statement, partly historical, partly, I might say, prophetic.

Those of you who were here last year, and heard Edward Everett Hale's address on the importance of a permanent tribunal, must have thought that he had kept up the habit of his life in keeping ahead of the age, and had gotten rather farther ahead than usual. He told us of the great design of Henry of Navarre; he told us of the plan of William Penn. He conceded that Henry of Navarre was two centuries ahead of his time, that William Penn was something like a century ahead of his time, but he did not seem to be conscious that he was at all ahead of his own. And it seems to me that events have proved that time was moving more rapidly than some of us had supposed. It sometimes seems as though God did in the world of men what he does in the world of nature, — make preparations unknown, unseen, invisible. The spring begins its nurturing influence in the soil and on the seed, and we wake up some morning and, almost like a flash, the green has come out upon the trees and upon the land. We did not realize what was going on; we did not understand the secret influences at work. I am sure those of us who have children in our homes have seen the same thing there; the child has seemed to remain almost stationary, and in a few weeks at most, perhaps in an absence from home, has then sprung forward at a bound out of babyhood into boyhood, or out of girlhood into womanhood. Something like that, it seems to me, has been going on in this nation and in Christendom.

Following the Peace Conference here last year, in August the great meeting of the American Bar Association was held in the city of Detroit, and Judge Brewer of the Supreme Court of the United States, in an address there delivered, made a declaration in favor of a permanent tribunal. A parliament of man, he said, of which Tennyson had dreamed, is impracticable; but a supreme court of the world is not. It was not only a notable fact that a judge of the Supreme Court should make that statement, but also that it should have been received with generous applause by a body of men including some of the most eminent representatives of the bar of the United States. In October, a similar declaration, somewhat more elaborated, was made by Chauncey M. Depew before the New York Bar Association, in a remarkable paper in which he asked, at some length, for a permanent tribunal. And when a judge of the Supreme Court and the president of a great railroad company tread closely on the heels of Edward Everett Hale, it is evident that Dr. Hale must hurry up or he will not keep ahead of his generation! (Laughter and applause.)

The next event in our American history was the Venezuela message. We will grant, if you please, that the Venezuela message was nothing but a spark, — a pretty warm spark. But it set the country in a flame, and the flame spread from East to West and from North to South, and it really looked as if we were straightway going to war. We had some men proposing instantly to organize regiments in the West, and march against Canada before there had been time to decide whether there should be war or no. And then there came the commercial blow that compelled men to think. And then the voice of the pulpit, East and West, North and South, Catholic and Protestant, I believe Jewish and Christian, — the voice of the religious teachers, without agreement, without conference, spoke with substantial unanimity for peace. I confess I am always proud, I hope legitimately, of my profession; I am always proud of the Christian church, despite its divisions, its follies, its failures, its imperfections. But I think I never was more proud of belonging to the Christian church than I was on the Monday morning when I saw what the telegraph had to tell us of the united voice of the pulpit of America, with only exceptions enough to emphasize the fact, speaking for peace between England and America.

Almost immediately, and by a spontaneous effort, committees were organized in New York, in Boston, in Chicago, in Philadelphia, I believe also in Baltimore and Washington. They were organized not from any one centre, not as the result of any one special effort; they sprang up spontaneously. Then correspondence was entered into between these various committees, and a meeting was held in Philadelphia on the twenty-second of February, celebrating Washington's birthday by a convention, the object of which was to urge not only peace, not only arbitration, but the organization of a permanent tribunal for the purpose of making war impossible, for the substitution of law for war. That was followed by the great meeting at Washington in April last, which still further emphasized that demand, and which gave expression to it in carefully framed resolutions.

Meanwhile, a similar movement had gone on in England. Meetings had been held, the first largely of educators and clergy, in Sion's Hall; then of parliamentarians and public men in Memorial Hall; and then a great public meeting growing out of them. The results of these popular meetings were presented in England, on the one hand, to Lord Salisbury, and in America, on the other hand, to President Cleveland. And we have now official information from both that diplomatic negotiations are pending between England and America for the establishment of a permanent tribunal for the settlement of international difficulties, — for the realization of what, to many of us only a year ago, seemed a dream only to be realized in the far future.

England and America, if I understand history aright, have proceeded farther in their thought on this subject than the nations upon the continent of Europe. But there have been important gatherings on the continent looking in the same direction. The great Inter-parliamentary Peace Conference, held in Brussels in September,

drew up a plan for a permanent tribunal of arbitration, — a conference in which fourteen nations were represented, wholly by members of the parliaments of those various nations; a conference, not merely of reformers, not merely of idealists, not merely of hopeful, sanguine, optimistic men, but of men so far in touch with the common sentiment of their nation that they are its chosen representatives in the various national parliaments. And in the following month the International Law Association, held also at Brussels, representing substantially the same nations, discussing substantially the same theme, reached substantially the same result.

It ought to be added in this connection that the ablest constitutional lawyers in this country have given it as their judgment that there is no constitutional or legal obstacle in the way of such a permanent court. We have, in support of that position, the judgment of such men as Justice Brewer of the Supreme Court, Judge Cooley of Michigan, Professor Thayer of the Harvard Law School, my own brother, the late dean of the New York University, and last, and certainly not least, the name of the greatest of the constitutional lawyers of this country, who has done us the honor to preside over our deliberations here. (Applause.)

Based on this historical statement, I have a word or two to say respecting the work of this Conference, which I say on behalf of the Committee.

We are not here to enter into general denunciations of war or general pictures of its horror, or general eulogies of the beauty of peace. That is all legitimate and desirable in other places, under other circumstances, before other audiences. But we may fairly assume that we here are all generally in favor of peace, and do not want war. What we are here for to-day, and in these succeeding days, is, first of all, honesty compels us to say, to have a very good time! But second, and not altogether incidentally, to consider the practical aspects of the questions before us. And your business committee, in order to make those aspects clear, have endeavored to formulate them in certain specific questions.

1. Is a permanent tribunal for the settlement of international differences desirable and practicable?
2. Should it be urged at first for English-speaking peoples only, or for other nations also?
3. How shall such a court be constituted?
4. Is any increase of our army, navy or fortifications needed at the present time?
5. What measures can be taken to develop public opinion in this country in favor of the substitution of law for war in the settlement of international controversies?

You observe these are not affirmations, they are questions. Let me take them up for a moment in order to expand and illustrate, not to argue them.

Is a permanent tribunal desirable? Is it practicable? How, for instance, can the decisions of such a court be enforced? We have government in its three departments, judicial, legislative, executive. The function of the judicial tribunal is to interpret the law which

the legislature makes, the business of the executive department is to enforce the laws which the legislature makes and the courts interpret. How can we have a body of nations uniting together for a judicial body to interpret the law, with no legislative to make it, and no executive to enforce it? Do not consider me the "devil's advocate," if you please; I simply wish to show that there is a question to be considered. What shall we seek to accomplish? Shall we seek to accomplish a permanent tribunal for the settlement of *all* controversies? A distinguished senator of the United States said to me only a few weeks ago, "You would not submit a question of national territory to arbitration, or a question of national honor? There are a great many questions you cannot arbitrate." I am prepared to argue that question in the affirmative. I would have a court that would settle all questions between nations, as we have a Supreme Court of the United States that settles all questions between States. But I am not now arguing the question; I am simply pointing out that there is a question which we need to consider, that we may meet the difficulties in our own minds, and then go forth from this Conference able to meet them when presented by others.

Shall such a court be a court simply for English-speaking nations? Or can it be widened out so as to include all Europe? Shall we begin with an endeavor to make a court wide enough to include the South American republics and the European nations, or shall we begin by seeking a court only large enough to settle difficulties between England and America, and hope that it will grow larger? How can it be constituted? If you make a court partly English and partly American, and then submit a question between England and America, will not all the English vote on one side and all the Americans on the other? Can you get an impartial tribunal? These are very serious questions. The first inclination of an optimist like myself is to say, "It is right. Let us go ahead, and we can do it." But we want to know, not only that we can do it, but how we can do it.

Then I should like to know whether we need any more navy, any more army, any more fortifications. My impression is that we have war-ships enough; my impression is that money expended on fortifications will be money thrown away. I am sure the time is coming when we shall no more think it necessary to put a fort at the mouth of a harbor than now we think it necessary to put a moat or a drawbridge at our front door. But whether the time has yet come,—on that we want some light.

And finally, and most important of all, is this: What measures can be taken to promote a public sentiment against war and in favor of peace? For while we who are gathered here are all in favor of peace, we must recognize the fact that there is a great dormant war-spirit in America, ready to leap into life on the slightest provocation. There is a great deal of the tiger left in man still, and how the tiger shall be kept tamed and under control in a nation is a very serious problem. And when we are told that a famous clergyman declares that war is necessary in order to produce patriotism,



and that he is cheered to the echo by his audience—and it does not seem absurd on the face of it to every reader of every American paper—it is clear that something is to be done, through the pulpit, through the platform, through the pamphlet, through the newspaper to create the sense, the consciousness that peace is far more glorious than war, and that what every nation should aim for is a time when the country will no longer carry a pistol in its hip-pocket and a bowie-knife in its belt.

THE PRESIDENT: The difficulty existing now in the negotiations of which Dr. Abbott has spoken, between England and America, is the very one he has suggested, as to where the line shall be drawn between what shall be arbitrated and what shall not. I am very much afraid that there are a great many people in this country and in England who think that there are some questions which no nation can agree in advance to submit to anybody; as we know in our social life that there are some questions that we should be unwilling to agree to leave out to any of the neighbors, until we knew precisely what they were, and precisely what neighbors would constitute the board of arbitrators if they were to be left out. There is a point like that of personal self-defence; if a robber attacks you, with a knife at your throat, you cannot safely wait to propose to him to arbitrate that question; you must defend yourself. So I suspect that if our government and that of Great Britain could draw that line, which can be drawn somewhere of course, so as to include a great deal,—and the less it excludes the better,—we could have a permanent court of arbitration established between ourselves and our brothers on the other side of the sea in less than eighteen months. I hope it will turn out that that line can be drawn, tentatively at any rate, and then we shall get on.

The next thing in order is the very pleasant one of our becoming acquainted with the eminent English gentleman who, in his true-hearted and high patriotic zeal, has done us the great honor to come all the way to this country to meet us in these hill-tops near the immaculate skies, to consider this most interesting subject. I am glad to introduce to you MR. HODGSON PRATT, the President of the International Arbitration and Peace Association of Great Britain.

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### ADDRESS OF MR. HODGSON PRATT.

My heart is deeply touched by being here among you. Ties of relationship have always bound me from my earliest years to the American branch of the great English-speaking people. But stronger than any such ties are ties arising out of the influence which American teachers exercised upon me, in those years when man's character begins to be formed, and when he is most under the influence of those impressions which last for life and create his career. I shall not, in a very broad and catholic audience like this, offend any sentiment when I speak of an American teacher who belonged, not to a little division of the Christian church, but who

belonged to the whole Christian church, whom we claim on our side of the Atlantic as ours as much as yours. I hope I am not going out of my way at this moment if I say that, if I have tried to do any work in life since I left college, I think the man who most stimulated me through my life, both in the work of trying to elevate the condition of the industrial classes and in the work of bringing about concord and unity among men, was William Ellery Channing.

I deeply thank you for the way in which you have referred to me just now. It only makes me feel how much I wish there were a worthier representative from the other side of the Atlantic than myself. I do not claim to be in any sense a jurist. I claim to be only a commonplace worker for a great cause. Circumstances have thrown me into a greater degree of prominence than my qualities deserve, and I have endeavored to make the most of that fact. As chairman of an association I have found colleagues most kind, most trustful, and most helpful during the fifteen years that I have been at work for the great cause of international unity, for the establishment of the idea that God's children were made to serve his cause and to serve each other, to co-operate and not to conflict with each other.

Judge Edmunds then presented DR. W. A. MOWRY of Hyde Park, Mass., who read a paper on the subject, "Can America Secure the Peace of the World?"

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## CAN AMERICA SECURE THE PEACE OF THE WORLD?

ADDRESS BY W. A. MOWRY, PH.D.

Will the time ever come when wars shall cease between nations? More than 2500 years have passed since the great prophet Isaiah uttered those memorable words so often quoted and to-day so full of pregnant meaning:

"And it shall come to pass in the latter days, that the mountain of the Lord's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it.

"And many peoples shall go and say, Come ye, and let us go up to the mountain of the Lord, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for out of Zion shall go forth the law, and the word of the Lord from Jerusalem.

"And he shall judge between the nations, and shall reprove many peoples: and they shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more."

To the worldly wise during all the ages past these words have seemed like an idle dream. Two weeks ago one of the foremost men of this nation wrote to me from Washington, concerning inter-

national arbitration, these words: "It is a good cause and must be successful *at least before the millennium begins.*"

But are the days of the prophets and seers entirely past? Are not the mountains as high to-day as they have ever been? If one places himself upon the top of the mountain the horizon is in the distance, and the higher the mountain the farther can he see. Doubtless the time is not yet near when the words of the prophet shall have been entirely fulfilled, but are not the signs of the times clear that the beginning of the end is at hand? Wars are by no means as numerous as formerly. The tendency of the nations is toward the consolidation of a few great and strong powers. Great wars between powerful nations are so much more to be dreaded than smaller contests, that, in the very nature of things, governments are inclined to be slow in precipitating them. It has already come about that the military arm is only to be employed as a last resort.

It is now more than thirty years since our Civil War in this country was ended. That war was of such proportions, so destructive, so disastrous, that doubtless since then its influence has been towards keeping the nations at peace.

The science of warfare is so advanced, and the modern implements of war are so destructive, that it is almost like suicide for any powerful nation to declare war against another. All these things tend to make the people hesitate, and often to hold back their governments from the warlike spirit.

#### THE ANGLO-SAXON RACE.

The world to-day is in reality in the keeping of the Anglo-Saxon race. Mulhall, in his "Progress of the World," makes this comparison of the seven languages of civilization: A hundred years ago the French was spoken by the largest number of people,—over 30,000,000. Since then it has increased to 50,000,000. The Russian stood next—30,000,000; to-day 75,000,000. Then came the German, nearly 30,000,000; now more than 75,000,000. Then the Spanish by 26,000,000; now by 42,000,000. The Italian by 15,000,000; now by 33,000,000. The Portuguese by 7,000,000; now 13,000,000. Now observe the added number of the English-speaking people. A century ago English was spoken by less than 20,000,000; to-day it is spoken by more than 110,000,000. The English, a century ago, was used by only twelve per cent. of the people using these seven languages; to-day by nearly thirty per cent. of them. Then, the German-speaking people outnumbered the English by one-half. Now, the English outnumber the German by nearly the same ratio. One hundred years ago these seven languages of civilization represented a little over 150,000,000 people; now more than 400,000,000. A century since, French was the leading language of the civilized world; to-day, English is the principal vehicle of modern, western civilization, and "wherever the currents of new life touch in the Old World, there are nations eager to learn English."

## WHAT OUR NATION HAS DONE.

No nation has ever developed so rapidly as our republic. Its territory to-day is more than four times what it was a century ago. Its population has changed from 4,000,000 to 70,000,000. The increase in wealth has been even more striking. We have to-day one-sixth of the wealth of the world; one-fifth of the world's agriculture; one-fourth of its manufacturing; and one-third of its mining. Our geographical position greatly strengthens our influence among the nations. We are separated by the ocean from the great powers of Europe. Not only our extended sea-coast upon the Atlantic, the Gulf of Mexico and the Pacific, but also the Mississippi River with its valuable tributaries, and other large navigable rivers, give us the greatest commercial advantages.

This immense country is situated in the temperate zone, with a wide variation of the most healthful climate and fertile soil, abundant in all the resources of the world from the frozen arctic to the torrid zone. The power of this nation is such to-day that her opinions have great weight in molding the views of other nations.

## OUR RECORD UPON THE QUESTION OF ARBITRATION.

From the very beginning of our national history the United States has, to a great extent, molded current international law. This was first apparent in our negotiations with Great Britain which resulted in the Jay treaty, in 1794. At that early period the United States government made its influence felt among the nations in favor of arbitration. That treaty itself provided for three commissions to settle disputed questions between us and the mother country. Even earlier than that, while Mr. Jefferson was Secretary of State, during Washington's administration, he took strong ground concerning the rights of neutrals and the government has maintained the rules which he established, to the present day. Probably but few people are aware to what an extent our government has carried the principle of arbitration in its dealings with foreign nations. A few years ago Professor Moore of Columbia College read, before the American Historical Association, a valuable paper giving a history of the several cases in which the United States had employed international arbitration. This was subsequently printed by the United States Senate, and since then has been reissued by the American Peace Society. From this paper it appears that our first international convention with Great Britain was as early as 1796-8. This convention settled the dispute as to what river was intended in our treaty, under the name of the river St. Croix. Our next convention with Great Britain was held in 1797-8, concerning the claims of British creditors. The dispute was not settled by the commission but was finally satisfactorily adjusted by treaty, in 1802. The third of these Jay treaty conventions was brought to a close in 1804. Before this commission were important questions in relation to contraband, the right of neutrals, and the finality of the decisions of prize courts. Professor Moore states that all these

questions were "discussed with masterly ability" by Mr. William Pinkney, one of our commissioners. The distinguished Henry Wheaton called Mr. Pinkney's opinions "finished models of judicial eloquence, uniting powerful and comprehensive argument with a copious, pure and energetic diction."

The Treaty of Ghent, in 1814, provided also for three arbitrations. The first concerned certain islands in Passamaquoddy Bay, and the questions were determined by the commission in 1817. The second related to our northeastern boundary and the commission finished its work in 1822. The third was with reference to our northern boundary along the middle of the Great Lakes, and to the Lake of the Woods. This commission reached an agreement in 1822.

By the Treaty of Ghent it was agreed that all places taken by either party during the war, should be restored without delay, and without the destruction or carrying away of any public property, or of any slaves or other private property. "Differences having arisen as to Great Britain's performance of the obligation touching slaves, it was agreed, in the treaty of 1818, to refer the dispute to the Emperor of Russia. In 1822, the Emperor decided that Great Britain had failed to keep her obligation and must make indemnity, and a convention was concluded under his mediation for the appointment of a commission to determine the amount to be paid." This commission came to an agreement in 1827, under which Great Britain paid more than \$1,000,000 in full settlement of all claims.

In 1853-5 another convention "for a general settlement of claims pending between the United States and Great Britain" was concluded at London. This convention rendered awards in the famous cases of McLeod and the brig Creole.

Next came a convention, 1863-9, which determined the compensation due to the Hudson's Bay Company and the Puget's Sound Agricultural Company, for damages connected with the transfer of their property to the United States under the treaty of 1846.

We now come to conventions growing out of controversies concerning our civil war, the northeastern fisheries and the San Juan boundary. These were settled by the treaty of Washington, in 1871. Under this settlement there were four arbitrations. "First in order and importance was that at Geneva, the noblest spectacle of modern times," says Professor Moore, "in which two great and powerful nations, gaining in wisdom and self-control, and losing nothing in patriotism or self-respect, taught the world that the magnitude of a controversy need not be a bar to its peaceful solution." In this arbitration appear names no less distinguished than Charles Francis Adams, Sir Alexander Cockburn, J. C. Bancroft Davis, Lord Tenterden, Caleb Cushing, William M. Evarts, Morrison R. Waite and Sir Roundel Palmer. These were either arbitrators, or counsel. There were three other arbitrators, Count Frederic Sclopis, named by the King of Italy, Jacques Staempfli, named by the President of the Swiss Confederation, and the Viscount D'Itajuba, named by the Emperor of Brazil. "How celebrated the names both of those who negotiated and of those who executed the treaty!" The demands presented by the United

States to the tribunal arose from the acts of Confederate cruisers of British origin, and were generally known as the *Alabama* claims. The tribunal held its last session in September, 1872, and awarded to our government the sum of fifteen and one-half million dollars. The question of the *San Juan* boundary was settled by the Emperor of Germany, in favor of the United States, in October, 1872.

In 1877, another mixed commission, composed of three persons appointed respectively by the United States, Great Britain and Spain, settled claims of British subjects against the United States arising out of injuries to persons or property during our civil war. In 1877 occurred the arbitration under the Treaty of Washington, which determined the compensation due to Great Britain for privileges accorded by that treaty to the United States in the northeastern fisheries. This commission awarded to Great Britain the sum of five and one-half million dollars.

I have been thus particular to specify somewhat in detail the various international commissions which have settled questions pending between the United States and Great Britain. In addition to these, our government has frequently resorted to negotiations for the adjustment of disputed questions between this country and other nations. Of these may be particularly mentioned one with France in 1884, one with Spain in 1871, two with Mexico in 1839 and in 1876, three with Hayti in 1884, 1885 and 1888, one with Venezuela, three with Colombia, two with Peru, one with Costa Rica, one with Equador, one attempted but failed with Paraguay, two with Portugal, one with Chile, one with Brazil and one with Denmark. Within five years past there have been three additional international arbitrations between the United States and other powers,—one with Chile, one with Great Britain and one with Venezuela.

The United States has again and again been arbitrator or mediator in questions concerning foreign governments. These questions have related to Great Britain, Portugal, Argentine Republic, Paraguay, Costa Rica, Nicaragua, Brazil, Chile, Italy, Switzerland, Spain, Peru, Equador and Bolivia.

From the foregoing it may be observed that the United States has entered into fifty-one agreements for international arbitration, that it has, in one way or another, acted as arbitrator seven times, and “it has erected thirteen tribunals under its own laws to determine the validity of international claims.” Thus it will appear that the United States has been a party to arbitration more than seventy times during its history of a little more than a century.

Concerning these various international conventions Professor Moore says :

“The arbitrations of the United States have embraced many types of international controversy, and many highly important questions of law, both public and private. Not infrequently the questions in whose solution they have resulted were hotly discussed as just and almost necessary causes of war, involving national rights and national honor. If the contracting parties had resorted to force they would perhaps never have realized how easily and honorably

their differences might have been adjusted by reasonable methods. If the United States and Great Britain, instead of making the Treaty of Washington, had gone to war about the Alabama claims, which involved the rights and honor of both countries, and even the public legislation and the conduct of the public authorities of one of them, it is probable that many patriotic writers in both countries would now be engaged in showing how impossible it was to submit such questions to arbitration."

#### GROWTH OF THE PEACE SENTIMENT.

In all times a few of the Lord's people have opposed war as unchristian. From the time of George Fox and William Penn, the Society of Friends, commonly called Quakers, have borne constant testimony against war. From time to time there have been a few people called non-resistants, who have been equally outspoken in denouncing war as the final arbiter between nations, but of late years, multitudes who are neither Quakers nor non-resistants, many of whom clearly hold to the rightfulness of defensive warfare, have yet come to see how desirable it is that nations should settle all their disputes by arbitration rather than submit them to the arbitrament of war.

There are to-day 350,000 members of the Grand Army of the Republic, and I suppose nearly all of them would hold up both hands — if the maiming of war has left them with two hands — in favor of international arbitration, or a high court that may peacefully settle every international dispute of whatever nature. The Department Commander of Massachusetts two months ago issued an order to all the posts in his department setting forth the propriety of every post taking action in favor of this great peace principle. In this order he says:

"War as an arbitrator of international differences is a terrible crime against humanity, civilization and the age." In obedience to that order the post with which I am connected passed unanimously a series of resolutions, one of which reads as follows:

"*Resolved*, That our country and Great Britain, the two English-speaking nations, the two greatest, grandest and most powerful of all the families of the earth, who have repeatedly declared themselves most emphatically and successfully in favor of such arbitration, have the strongest motives for a speedy, permanent agreement upon international arbitration to settle all disputes which may arise between the two powers."

Just here it is interesting for us to quote the words of President Grant, who, in early life, had received a military education, who had, during our civil war, shown such strength of military character, who had in that great conflict led the armies of the nation to triumphant success, and who for eight years had held the high office of Chief Executive of the United States of America:

"Though I have been trained as a soldier, and have participated in many battles, there never was a time when, in my opinion, some

way could not have been found of preventing the drawing of the sword. I look forward to an epoch when a court, recognized by all nations, will settle international differences, instead of keeping large standing armies as they do in Europe."

The rapid development of arbitration sentiment within six months is very marked. When President Cleveland sent his Venezuela message to Congress the patriotism of this country was instantly aroused, and the warlike sentiment that was developed was both ominous and painful. Two weeks had not gone by, however, before it became manifest that the sober second thought of the people, both of America and Great Britain, was in favor of peace and not of war. Affairs connected with Venezuela and South Africa, together with the action of certain European monarchies, have developed such a power of public sentiment in favor of a peaceful solution of international questions as has never been shown before, particularly among English-speaking people.

#### WHAT OUGHT TO BE DONE.

Has not the time fully arrived when at least the governments of the United States and Great Britain should take decisive action looking towards absolute prohibition of war between these two great nations? The President of the United States has lately expressed himself in favor of this position. Prominent members of Congress, leading members of both political parties, have recently given expression to the same opinion. The recent conference in Washington and the Bar Association of the State of New York have shown clearly the strength and breadth of this sentiment.

Should these two great powers take decisive action by a clear agreement to settle all their governmental disputes by peaceful methods, such a course would materially hasten the time when other leading nations of the world must fall into line. The question, however, would still remain whether we should rely upon a commission to be appointed in each particular case, for the settlement of that controversy, or whether, in accordance with the views of leading lawyers in New York and elsewhere, the two governments should not take the necessary legislation for the establishment of a high court which shall have power to settle all international questions that may hereafter arise between the two governments.

Let this high court of arbitration between the United States and Great Britain be once "established in the top of the mountains and exalted above the hills, and all nations shall flow unto it." Then "shall they beat their swords into plowshares and their spears into pruninghooks;" then "nations shall not lift up sword against nation, neither shall they learn war any more;" then shall Tennyson's "Vision of the World" be fulfilled:

"Men, my brothers, men the workers, ever reaping something new;  
That which they have done but earnest of the things that they shall do;  
For I dipt into the future, far as human eye could see,  
Saw the Vision of the World, and all the wonder that would be;  
Saw the heavens fill with commerce, argosies of magic sails;



Pilots of the purple twilight, dropping down with costly bales;  
 Heard the heavens fill with shouting, and there rain'd a ghastly dew  
 From the nations' airy navies grappling in the central blue;  
 Far along the world-wide whispers of the south-wind rushing warm,  
 With the standards of the peoples plunging thro' the thunder storm;  
 Till the war-drum throb'd no longer, and the battle flags were furled  
 In the Parliament of man, the Federation of the world."

REV. EDWARD E. HALE, D.D., was the next speaker. His address follows:

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### ADDRESS OF REV. EDWARD E. HALE, D.D.

*Mr. President, Ladies and Gentlemen,*—I am sure we all feel how much the growth of public spirit in the English-speaking countries has been led and helped by the great poet who wrote "Locksley Hall." To have had these words spoken as pieces, written in school girls' albums, for sixty years, has been a great advantage to the public sentiment of our race. But we will remember too that they were written sixty years ago, and that when the great practical man of our time speaks, what he asks for is a Supreme Court of the nations, and no longer a "Parliament of man." As Judge Brewer said so well, quoting an epigram which was older than himself, "We have too many parliaments, and we do not have enough courts." What we are after here is not a Parliament of Peace; it is a Supreme Court of the Nations; it is a Permanent Tribunal.

The analogy is so absolutely perfect between the condition of the world now and the condition of the thirteen States of America just a hundred years ago that we cannot repeat it too often. The great victory of the United States Constitution is not in the establishment of the Federal Congress, not in the establishment of the executive; it is in the establishment of a Supreme Court—supreme above the President, as he and his Secretary of the Treasury have found out within the last year; supreme above Congress, as Congress has found out a hundred times; an absolutely supreme court before which all questions shall be heard. We are here to consider what are the things to be done in the establishment of such a supreme court between England and the United States, and eventually between the nations of mankind.

I was particularly interested, as Dr. Abbott read the well-condensed and vigorous questions, which he wants to hold us to, to observe that the rather vague word "arbitration," which figured here twelve months ago, does not occur in the five points submitted to us to-day. This is not an assembly simply to protest against war; to say in any vague, sentimental way that it would be a good thing if people would not quarrel, and if, when they do quarrel, they would leave it out to their neighbors. It is an assembly to bring about a Permanent Tribunal, to which the affairs of the nations shall be referred. In the little I shall say, I shall follow absolutely the analogy of the Constitution of the United States.

When Mr. Jones and Mr. Thompson have a quarrel, and Mr.

Jones selects Mr. White, and Mr. Thompson selects Mr. Black, they get together in the parlor of a tavern, and they ask Mr. Green to come in and be a third, and so it is "left out to men," as we say in our happy New England phrase. Then there comes up the question, What is the law by which it is to be administered? And one says he will have it administered by the law of eternal justice as set down in the Book of Deuteronomy; and another says it shall be administered by the law of the State of Connecticut, and not by the law of eternal justice. There is no code for the case. Then they want to get witnesses, and the men send over to South Goshen by the stage-driver, and ask him to ask the man if he will come. And the witness says he won't come, and that is the end of that.

The founders of the American Constitution understood this thing absolutely. They were going to establish a Supreme Court of the United States, and they have established it. I have lived through times when the State of Massachusetts did not love the Southern government of the United States very much, and when it blocked the wheels of that government in every way it knew how. It refused to fly the flag of the United States on the State House; it passed a law that no jail or other building of the State of Massachusetts should receive any prisoners confined by the United States courts, that there might not be any fugitive slaves put into one of our jails. What did the United States do? It said, "Pass what laws you choose. Our marshal will get a room tight enough to lock up a fugitive slave." And their marshal did do it, and we could not help ourselves. That is to say, the Constitution of the United States foresaw the probability of the individual Mr. Black or Mr. White not proposing to agree to this arbitration; and the Constitution of the United States established, not a court of arbitration, but a Supreme Court over the thirteen States of America. And that Supreme Court has been supreme from that hour to this hour, excepting in one miserable instance due to the cowardice which left slavery outside of its jurisdiction because of which we were involved in four years of civil war.

A senator whom I have heard quoted says that no nation will willingly submit a question of boundary to the Supreme Court. All I know is that the thirteen States, which were nations at the moment, did submit their questions of boundary to the Supreme Court of the United States again and again and again;—I think there are nearly forty instances where questions of boundary have been decided by the Supreme Court. I referred here a year ago to a question of boundary between Massachusetts and Rhode Island, which was decided by the Supreme Court; and I do not believe that there are fifty persons in Massachusetts who know where those disputed boundaries were, which were thus decided sixty years ago.

The very first question which was brought before the Supreme Court was the question whether a State might be sued in its own courts by one of its own citizens. The Supreme Court decided squarely that it might be so sued and it was necessary to bring about an amendment to the Constitution to prevent that action, which was thought at that time to be undesirable. But the States

have, one after another, granted that privilege; and even the United States, in the Court of Claims, is virtually sued by its own citizens.

JUDGE EDMUNDS: And also now in the judicial courts.

DR. HALE: Such is the steady progress of the determination to do this. What we want is a tribunal which shall have the power to lay down its own methods of procedure. I do not care whether this tribunal is of four men or six or thirteen. In my judgment it ought to be a body of students, informing us from time to time what international law is, and what it is not; what the authorities on international law have, on the whole, determined upon; what the treaties of the world have established as international law. I believe if you were to establish such a tribunal to-morrow;— and my friend on the left (Judge Edmunds) would of course be a member of it;— it might be well employed for the next two, three or five years in giving, from time to time, its *dicta* as to what the law of the world is on privateering, what the law of the world is on hospitality, what the law of the world is on a hundred points on which the writers on international law have written, and which may be said to be really decided. It would be the first business of such a court to state in general to the world what were the authorities which it looked upon with respect, and on what authorities it did not look with such favor.

Then, one fine day, there would come along a quarrel. It might be a question like that very funny question as to what is the River St. Croix, or like our question in Massachusetts what waters belonged to Charles River. Or the question might be whether the captain of an English schooner lying in the Bay of Gobblegobble in the southern part of Africa should or should not have slapped in the face the captain of an American schooner which had laths on board;— one of those highly important questions which have again and again brought on wars might be submitted to this international court, because it was such a little question that the army and navy did not want to bother with it, and “them literary fellers” might have the joy of it. And the court would decide it. It would decide it wisely,— so wisely that it would command the respect of the world. And then might come along the question whether a whole race of inoffensive animals like the seals should be demolished or not; or whether certain swamps and marshes and malarial beaches between one nation and another on the South American coast belonged to Nation A or to Nation B, or to nobody but the good God. The court might be left to settle such a question as that. Once give such a court dignity, once have it established, established so that by day and by night it should be in existence, so that no question shall arise too suddenly to be submitted to it, and there is no fear but that the civilized opinion of the world would come round to it.

It should have power to state the general rules of its practice, and when and where it should meet, — I should suppose it would meet in different cities of the world from time to time. It should have power to call witnesses, to have its own marshals to get those witnesses into court. And the salaries and expenses should be pro-

vided by the most liberal gifts of the powers agreeing for this purpose. In these regards I am following absolutely the analogy of the Supreme Court of the United States. Compare all that with the working of these seventy arbitrations which have been described to us so well. You have a court of arbitration meeting in Geneva, and again in Paris. Each of them is a spectacle which angels regarded with pleasure. Each of them called together men of the greatest distinction, but men who had never seen each other before, men who had to be introduced to each other and whose reputations were not known before; men who had to determine in what language they would speak to each other; who, when they got together, had not power to call a witness from the other side of the street; men who had to take up the case without any rule of procedure as to what testimony should be admitted and what should not be admitted. It is a court worse, if I dare to say so, than an ecclesiastical court, and when I have said that I have got pretty near the bottom of human nonsense. (Laughter.) It is a miracle that in the great tribunal which sat at Geneva, and fading away like the mists of these mountains when its meeting was over, without any laws of procedure, without any standard as to what should be testimony, they were able to get anything on which people could rely in the least, on which this high tribunal made the decision which they did make. What we claim is that when you have a Permanent Tribunal, the rules which that tribunal adopts and the reputation which it has and the prestige which it gains in the world, will carry the decisions of that tribunal where the proceedings of none of these courts of arbitration would ever pretend to go.

The truth is that now you lose all that you have gained in each one of these arbitrations. You fall to the bottom of your mountain every time, and then climb up again and say, "We have climbed up to this place seventy-one times before. Isn't that encouraging?"

The way to begin is to begin. It is not to talk about beginning. It is not to talk about the twentieth century; it is to act like the men of 1896, and begin to-day.

I believe that I was assigned to say what I thought was practicable at the present; I can say it in a very few minutes. When the Pan-American Congress met, — which was the greatest thing in the history of the last twenty-five years, and which two hundred years hence will be marked as such, — when those sixteen States met at Washington, under the masterly lead of Mr. Blaine, I had the honor to present to Mr. Blaine a plan for a Permanent Tribunal for the nations of America. Mr. Blaine was a statesman who would grasp any such idea, and he took the suggestion, which had undoubtedly been made to him by others, as one not in the least new to him, and he brought it before the private conference that assembled. The leading gentlemen of that assembly saw the importance of the matter; in particular, the representatives from Mexico. But on considering what they could do and what they could not do, they satisfied themselves, as I remember some gentleman said here a year ago, that "it was not yet time" for a permanent tribunal, and therefore waited for a more convenient season, as a

certain person waited in the Book of Acts, for whom it was not found that a more convenient season ever came. Accordingly they did not propose a Permanent Tribunal, but proposed a treaty of arbitration. And I should like to have the gentlemen who roll the word "arbitration" under their tongues too eagerly observe that nothing came from this proposal, and that not one of the sixteen States has ever adopted the form of the treaty which was brought forward. Whether it were the best thing to be done or not, it has not been done, from that moment to this.

I believe that at the present moment a proper overture by us to the Republic of Mexico, to the government of Brazil, and to the government of Chile, for the establishment of a permanent board to which could be referred all disputes arising between those States, would be favorably received. I believe that if such a court, consisting of eight jurists, were to sit, — simply to sit, and be in existence, the men being honored in each case as the men who receive the highest honor in the states appointing (such men as John Quincy Adams was after he retired from the office of President, such men as Benjamin Harrison is to-day, are the sort of men you want to put on such a tribunal); — I believe that to such a tribunal every state in America would refer the questions which arise, which now at any moment may plunge it into war.

My other practical plan is of less consequence. It is understood that the President and Mr. Olney have one in view. It is understood that Lord Salisbury, and I think the Archbishop of Canterbury, have another in view. It is understood that the Bar Association has another in view. There are undoubtedly forty plans for permanent tribunals between the United States and Great Britain. My plan is that when the Lord Chief Justice of England arrives in America within the next month, the Chief Justice of the United States shall ask him to lunch some day. And if, while they sat at lunch, the Chief Justice said to the Lord Chief Justice: "Don't you think this nonsense has gone on long enough? And could not you and I go into another room and block out on a bit of paper the few central principles for this thing?" I think the Lord Chief Justice would say yes, and I think they would go into the library and on a bit of paper the principles for the High Court of the future might be laid down then and there.

I had the great pleasure a year ago of listening to Sir Frederick Pollock, who is now professor of jurisprudence at Oxford, and is a person of such importance in England that the English government gave to him the preparation of their Venezuelan case, when he addressed the graduates of the Dana Law School at Cambridge. He said: "There is nothing I know of in our constitution to prevent the House of Lords, if it should think fit, from desiring the judges of the Supreme Court of the United States, by some indirect process, if not directly, and as a matter of personal favor, to communicate their collective or individual opinions on any question of general law; nor, I should apprehend, can there be anything in the constitution of that most honorable court, or the office of its judges, to prevent them from acceding to such a request, if it could be

done without prejudice to their regular duties. And if the thing could be done at all, I suppose it could be done reciprocally from this side, with no greater trouble. Such a proceeding could not, in any event, be common. Could the precedent be made once or twice, in an informal and semi-official manner, it might safely be left to posterity to devise the means for turning a laudable occasional usage into a custom clothed with adequate form. As for the difficulties, they are of the kind that can be made to look formidable by persons unwilling to move, and can be made to vanish by active good will. There is no reason why we should not live in hope of our system of judicial law being confirmed and exalted in a judgment-seat more than national, in a tribunal more comprehensive, more authoritative, and more august than any the world has yet known."

JUDGE EDMUNDS: I must beg, on behalf of the Conference, to thank Dr. Hale for the clear and vigorous way in which he has pointed out the value of our endeavoring to do something, as well as dealing in pleasant and glittering generalities. But we must remember that all that we can do is to petition and agitate; the only powers that can do anything are the executive department of the United States government and Her Majesty's government. Happily for us, it requires no act of Congress to enter into such an engagement. Any treaty once agreed upon to establish a tribunal would be followed without question in respect of providing the funds for the payment of expenses. The thing for us is, therefore, to work upon public opinion. And this, like the other duties of life, whether of religion, or of business or of whatever else, is not a duty which, once done, is done for all; it is a constant duty. We may talk and agree and plan here, all having the same general purpose; and if we go away to-morrow and stop, very little is done.

I think I ought to correct Dr. Hale in one respect, not very important. In his illustration of an arbitration between private persons, I think he did injustice either to the Book of Deuteronomy or to the State of Connecticut. For, if I have read rightly the law of my young days, the great body of the early Connecticut laws were taken out of the Book of Deuteronomy. (Laughter.)

The subject was then thrown open for general discussion.

GENERAL EATON: Will the President tell us, from his point of view, what the first step in the negotiation must be, by either of these governments, if we are to reach this result?

JUDGE EDMUNDS: It is clearly, as I think, a matter of international intercourse and diplomatic relation. That, by the constitution of the United States, is the province of the President of the United States, subject to the advice and consent of the Senate, when he shall have formulated with some foreign government the arrangement which he thinks ought to be carried into effect. The way, therefore, is now perfectly open for our government and that of Great Britain to begin. And I am happy to say that for the last

several months, such negotiations have been in progress — even before the Venezuelan difficulty arose, I believe. And about that, I am bound to say, that I think the message to Congress was taken in an extravagant sense. Of course, if any one of the ladies or gentlemen here present had been called upon to write that message, he might perhaps have put it in more diplomatic and evasive form; but President Cleveland was a plain, blunt man, and said just what he thought, as President Monroe did in his time. It did not, fairly understood, mean a determination to fight, immediately or at any time, except when that time should come when it was apparent to the public opinion of the United States, to which presidents must bow, that justice and the fair play which we owe to our neighbors demanded that we should help them. What the message meant was that if it should turn out that Great Britain was taking advantage of the republic of Venezuela in a clear case of despoilment and wrong, it would be against our protest and against whatever influence we could exert to prevent it.

The thing is entirely in hand now between the two governments. What our duty is, and the duty of all people who think as we do, — and three-fourths of them do, when they think twice, — is to bring to bear upon the President of the United States and his cabinet, not an urgency to compel them to do what they do not believe in, for they do believe in it and wish to do it, but a constant fuel that shall feed the presidential fire and make it continue to blaze and warm the hearts of our British brethren on the other side, so that we may come to an understanding, even if it be limited in respect of objects; so that we may bring them to agree upon something, — to take one step toward a permanent tribunal. The larger we can get it, within limits which I will not now undertake to define, the better. I take it we should all agree, that if the United States should take it into its head, in a flame of conquest, to invade and possess herself of Canada to-morrow, no well-regulated public opinion in the world would call upon Great Britain to submit to arbitration the question whether it would defend Canada. I certainly should not, as much as I *don't* want Canada.

Our way, I think, is simple. It is earnest, persuasive work, to keep up the spirit that now exists in the administration on this side, and I hope in the administration on the other side, that their present negotiations may come to a definite affirmative result.

MR. PRATT: I wish to emphasize the observation made just now that it is extremely important that, on both sides of the Atlantic, the general public should know where we are in regard to this present question. One of the members of the present ministry said recently, at a public meeting held at Croydon, that Lord Salisbury had made a communication of the utmost importance to the President of the United States in regard to this very question of the creation of a tribunal. But a very unfortunate communication was made, shortly afterwards, by the correspondent of the *Times* at Washington to this effect: that it would be a great mistake on the part of the public in Great Britain to suppose the danger which

threatened the two countries six months ago was at an end; that we must recollect the terms on which the Venezuelan Commission was appointed, and the indication given of what the result would be if a report were made unfavorable to the claims of Great Britain. Whatever proposal might be made for a permanent tribunal, he said, unless that tribunal is to have the power to deal with questions which have arisen before its creation, will be put aside until it is clearly understood in what manner the British government will receive the report of the Venezuelan Commission when it is made. I hope I am not going beyond the purpose of this morning's discussion in bringing that forward. I do so on the ground that if public opinion is to develop, on both sides of the Atlantic, in favor of this greatest of all reforms, public opinion must be enlightened, and not be under the misapprehension that this proposal has been made by Lord Salisbury's government in order to get rid of a question which the people and government of the United States are determined shall be settled first. I rise simply in the hope that the question I have put may elicit some reply which can throw light upon the present position of affairs in regard to this matter.

JUDGE EDMUNDS: The Chair is not authorized to speak for anybody but himself to this Conference. But as one American citizen who has had some connection with affairs, I think I am perfectly safe in saying that the American government has not said or implied any such thing as this correspondent has said in respect to what we will or will not do on the report of the Venezuelan Commission. The Venezuelan Commission is merely an exploring commission, a party of survey, to gather together all possible information by way of information for the President of the United States, to enable him and the American people to conclude whether or not Her Majesty's government was despoiling the little republic of Venezuela, or whether it was a mere question of a doubtful boundary of a few miles. The executive department of the United States government has never said or intimated, and never will say or intimate, that whatever the Venezuelan Commission may report, it would have any tendency to prevent us, at the earliest moment, from agreeing with Lord Salisbury upon a permanent tribunal, or a temporary tribunal, which shall decide this question and all others.

Mr. Joshua L. Baily, Treasurer of the Conference of 1895, presented his report, and asked for the appointment of auditors. Mr. Robert Treat Paine and Dr. B. F. Trueblood were so appointed.

The Conference then adjourned.



## Second Session.

Wednesday Evening, June 3.

The Conference was called to order by the President at 7:45. DR. B. F. TRUEBLOOD was first introduced and read the following paper:

### PERMANENT ANGLO-AMERICAN ARBITRATION A MORAL NECESSITY.

*Mr. Chairman and members of the Conference,* — The events of the past year, in Anglo-American relations, have been a surprise and a revelation to most of us. Little did we think, when in this high and peaceful retreat a year ago we were calmly discussing arbitration and emphasizing the immediate demand for permanent Anglo-American arbitration, that we were already on the edge of an approaching storm that was to shake to their foundations the two nations of English-speaking people and test their rationality, their moral strength and their capacity for leadership in civilization as they have never been tested more than once or twice since the one people became two nations.

The surprise to which we have been treated has been equally great in each of two directions. Our first astonishment was the phenomenon witnessed on the 17th and 18th of December and succeeding days, when a flame of unreasoning patriotism, if we may call it patriotism, and rash, light-hearted talk of war, kindled by a short presidential message, spread at once to every section of the land; when swift-footed reporters were running everywhere for hasty interviews with people ready to say the first thing that entered their heads; when editorial pens were racing like "scorchers" to outdo one another in supporting "a vigorous foreign policy;" when Congressional hands went wild with clapping from a sudden intoxication of "patriotic" emotion; when bills for the national defence flooded the Congressional calendar; when everybody, apparently, was discussing, with mingled excitement and *nonchalance*, the ease with which we could, with our little navy and our less army, thrash the mother country, whose past and present wickedness was set forth in not the coolest of phrases.

A year ago every one of us would have declared such a phenomenon unthinkable. Some of us had become painfully aware of the efforts of militarism to work itself into our country. We knew that jingoism had made considerable inroads upon us. But we were wholly unprepared for the sudden exhibition of general inflammability and of loss of personal and national self-control which we were compelled to witness.

Our second surprise, — an agreeable one withal, — has been scarcely less striking, though slower in coming. Few of us, even

the most observing and optimistic, were aware of the extent and strength of the conscientious and intelligent opposition to war which, in spite of the apparent indifference to the subject, has grown up among the Anglo-Saxon peoples in recent years. No sooner had the excitement growing out of the President's message and the diplomatic correspondence about the Venezuela boundary begun, than this anti-war spirit, after a brief period of dumb amazement, commenced vigorously to show itself. Lifting itself above all considerations of temporary expediency it dared to utter, in the midst of the prevailing confusion, the high and unalterable truth that between reasonable beings war is wrong; that two intelligent and professedly Christian nations ought not even to talk of war over no-matter-what questions of boundary or cherished policies or supposed interference with national right and dignity. This spirit has kept on manifesting itself, in the utterances of many distinguished individuals, in the pulpit and the press, on the platform and in the council chamber, in chambers of commerce and bar associations, in reform clubs and literary circles, in educational institutions and representative church assemblies, in special meetings of citizens and great public gatherings, until recently in the capitals of both the nations it found its impressive utterance in two great representative assemblies uttering their voice in the very ear of the leaders of the two governments. This manifestation of anti-war sentiment has been as wide-spread, as brave and determined, as it has been elevated, intelligent and wise.

In view of the events of the year, therefore, we are much better able to take our bearings, in the matter of Anglo-American arbitration, than we were a year ago. The difficulties in the way, on both sides of the water, are better understood; the dangers of sudden and immensely mischievous disturbance of peace more clearly manifest. It is now known who are the real friends of concord, how numerous and strong and determined they are, in both countries.

Why is a permanent system of Anglo-American arbitration an immediate moral necessity? For three very evident and powerful reasons.

First, that such a moral and economic disturbance between the two nations as that to which we have recently been witness may never be allowed again to imperil their peaceful and orderly progress, make them a shameful spectacle to the rest of the world and threaten their degradation from the honorable and enviable position which they have held as the leaders of humanity toward the realization of the reign of righteousness, liberty and peace. The domineering aristocratic class in Great Britain, which though still often in power has less and less weight in English politics, ought to be rendered hereafter incapable of refusing to listen to so fair and disinterested a plea as that made to the British government by this country for twenty years past for the arbitration of the Venezuela boundary dispute. In turn, no administration at Washington, no executive however eminent or secretary of state however wise ought to be left so much to his own judgment and choice, in matters of such supreme moment to the lives, the fortunes and the honor of

so many millions of people, as to have it in his power, in some strait of diplomacy, by a single stroke of his pen to throw all the interests of two nations into confusion and set all the dogs of war to baying on two continents. So long as such a possibility remains, we have not a government of the people by and for themselves. The people of the two countries must demand, will demand, until they get it, a supreme tribunal,—a great peoples' tribunal,—before which all grave questions affecting their mutual interests shall be deliberately reasoned out and calmly decided, according to the principles and the established forms of law, before sovereign or prime minister, president or secretary of state shall be allowed even to hint at the dire alternative of war.

But this, though immensely important, is only a negative view. The United States and Great Britain are furthermore under solemn obligations to take this great step forward, *because of what they are*, in the Christian principles which they profess to follow, in the moral and intellectual training which they have had, in the institutions of civil and religious liberty which they have built up and surrounded with the great safeguards of the common law. The duties of nations, as of individuals, are determined to a considerable extent by what they are in their actual moral development, not simply by the imperatives of some extraneous ideal imposed upon them from without. It is easy enough to say, in the abstract, that all nations ought to make permanent provision for the arbitration of their differences. This we ought to say in its ideal purity, and keep on saying until every nation comprehends it. This is the Christian method of reform. But concretely there are nations which can not yet do this; they do not know how. If they should attempt it, they would utterly fail, because their internal moral, social and political development is not sufficient to furnish any reliable basis for such an institution. But the United States and Great Britain are, from every point of view, capable of entering into and keeping inviolate such a permanent system of arbitration, and they ought therefore to get about it at once.

This obligation does not rest primarily, if it all, on the fact that the two nations are closely related in blood. They are getting farther apart in blood, not more than half of our seventy millions being of English descent. "Blood is thicker than water," but there is something thicker than blood and much less liable to get disturbed. Nor again does the obligation rest on their oneness in language, though this oneness of course adds weight. If Persia and Venezuela were in other respects like the United States and Great Britain, they would be under just the same immediate obligation to bind themselves to permanent arbitration, though their tongues are utterly strange to each other. The Pan-American Treaty of Arbitration did not fail of ratification by every one of the seventeen nations whose representatives signed it, because this nation speaks English and those Spanish, but for much deeper reasons of a moral, social, civil and even political character. The nations represented in that Conference had too little moral gravitation toward one another. We shall almost certainly see treaties of arbi-

tration established between this country and Great Britain, France, Switzerland, and possibly Belgium, Holland and Denmark, before any such treaty is ratified between the United States and the South American Republics. Nor does this Anglo-American obligation of which I am speaking rest on the unsurpassed commercial interests at stake, strongly as these plead for peace and against all war talk. These interests themselves depend on and speak for something deeper, for only nations having a considerable social and political development in accordance with the principle of right, justice and liberty develop commerce in an orderly, extensive and permanent way. Only four per cent. of our foreign commerce is with the Spanish nations south of us. The obligation here set forth rests fundamentally on the religious and moral kinship of the English-speaking nations. Not, however, in any merely formal sense of either religion or ethics; for there are other nations which, nominally, have the same religion—Christianity—and the same philosophic system of ethics. But these nations have given themselves up in a practical way to the real principles of religion and morality,—to love to God and love to man, to righteousness and benevolence, to the principles of liberty and equality, as no other nations have done. These principles they have embodied not only in their religious life, but in their social, civil and political life as well,—in permanent institutions. They have subjected themselves to a real reign of law, that the rights and liberties of each and all may be guarded against aggression and misunderstanding, against caprice and the violence of passion. They have set themselves up courts, from that of justice of peace up through all the grades of the judiciary to the supreme court of the nation. This system of law and of law courts, growing out of the great principles of right and justice upon which the two nations are builded, and *permanent* as the nations themselves, stretches out its long arms of righteousness and peace over all the millions of inhabitants of the two lands.

In a general way, this is what the United States and Great Britain are, in their internal moral development. It is this stable moral status,—God-given, self-made, or evolved, as you please to take it,—expressing itself in the permanent ways indicated above, which is the great argument for the same sort of permanency in the rational adjustment of their international affairs in their entire scope, and also the true answer to all objections brought against it. To have reached, purposely and with infinite struggle, this stage of definiteness and permanency in the rational and orderly adjustment of all their multiplied internal difficulties, and then to leave their international affairs in an indeterminate and shifting state bordering at times on the ragged edge of anarchy, would be little short of a confession of stark moral imbecility, to say nothing of the intellectual stupidity of the thing. Such a confession they will not allow themselves to make. The great moral forces moving and directing, from within, their expanding and improving personalities will ultimately bring them, by natural necessity, into the arbitral union which we propose, unless they shall choose to make themselves apostate from their high calling. The necessity of this is like that

which brought the thirteen American colonies into union. These colonies did not unite simply because they had to fight England to win their independence, or for the purpose of self-defence thereafter. They would have united, perhaps less rapidly but none the less surely, if their independence had been freely given them without any contest. Their fighting union was a loose and shaky structure, threatening every moment to tumble in on their heads. Their union for the promotion of the common good, growing as it did out of the attractive tendencies of right, justice, liberty and equality, found its final consummation in the Constitution and the Supreme Court, and was in its very nature solid and permanent.

So it is bound to be in the case before us. The forces of progress are driving straight to the goal which we have set before us. Sensitive Englishmen and Americans, clinging to a narrow and exclusive nationalism, may "kick against the goads;" may declare that the thing is unpatriotic and impracticable; may raise a thousand plausible objections, as the colonists did against a United States; may fret and chafe at the thought of the surrender of the least jot or tittle of the national autonomy; but the great tribunal in some shape is certain to come, because civilization demands it and can not get much further without it.

The third reason for considering the proposed permanent system an immediate moral necessity is that it is required to give completeness to what has already been done and to give a full expression of the meaning of Anglo-American civilization to the rest of the world. International arbitration, that is arbitration between settled nationalities as distinguished from that between feudal lords, irresponsible kings, communities or petit states of the same people, had no real existence, certainly had no orderly and systematic development, until it was taken up by the United States and Great Britain. It came into being with the founding of this Republic, and sprang out of the same principles and was inaugurated by the same men. It is an essential feature of the great movement for national independence and the equality of nations, with all that this implies of respect on the part of one nation for the liberties and rights and interests of other nations.

The first treaty between this and the mother country, after the treaty of peace, provided that there should be "a firm, inviolable and universal peace, and a true and sincere friendship," between the two nations in all their wide and varied interests. This was a genuine peace treaty, in the sense of the first principle laid down in Kant's little but unsurpassed treatise on "Eternal Peace." The spirit which created it, the true American spirit, deeper still the true Anglo-Saxon spirit, which has rendered the treaty inviolate, with one exception, for one hundred and two years, came into activity during the period of bitterness which prevailed immediately after the Revolution. The old fighting blood was boiling on both sides of the sea. But a new spirit had arisen among men, and the time had come for better business between nations than that of shedding each other's blood. Mr. Hamilton felt this. President Washington felt it quite as deeply. The result was that Mr. Jay,

who felt it, if possible, still more deeply, was sent to England to see if the aggravating difficulties could not be settled by a calm and manly appeal to reason. The British Foreign Office met him half way; for in spite of George the III. and such as he the same spirit was nearly as advanced on the other side as on this. The Jay Treaty, beginning with the remarkable words quoted above, was negotiated and the new era of the rational adjustment of international differences began. There has been much bad blood and an immense amount of foolish and wicked talk, and one war of two and a half years between the two countries since that time, but in spite of the bitter feeling and with the exception of the one war the rational method has prevailed over the irrational during all this long period since Mr. Jay's visit to England in 1794. Eighteen times have the two nations submitted important differences between them to arbitration, questions often as serious as is conceivable between two nations which respect each other's existence and rights. Arbitration itself, then, has become the fixed custom, the permanent method of adjusting Anglo-American differences. As between the two nations it is already a fixed part of international law, practically certain to be applied, if diplomacy fails, to the still unsettled question of the Alaskan boundary, in some way to the Venezuelan trouble if necessary, and to all other questions that may arise. There is still a possibility of war between them, but not the slightest probability. The sun of that bloody business between them has forever set. If, then, arbitration has become by long use a fixed law to these nations, which they may be expected to keep during the next one thousand years more easily than they have kept it during the one hundred difficult years of the past, the simple logical necessity of the situation is that they should without delay set up a permanent tribunal for its administration, and not have to bustle around on each occasion of difficulty to drum up a tribunal which they knew beforehand that they must have.

In addition to the duty of completing this work as between themselves, they ought to keep the promises which they have practically made by their example to the rest of the world. In addition to the eighteen cases of adjustment between themselves, the United States has settled in this way thirty-three questions with fifteen other nations and Great Britain fourteen with ten other nations. During the seventy-four years from 1798, when the first of the cases provided for under the Jay Treaty was decided, to 1872 when the famous Alabama decision was rendered, there were, as near as I can determine, about thirty-seven cases of international arbitration, in all of which except five either the United States or Great Britain appeared as a party. In the cases adjusted in this way since 1874 either the one or the other of these two nations has appeared twenty-five times. Of the thirty cases left to all the rest of the world, a considerable number have been brought about by the influence of these two countries, more particularly of the United States.

In view, therefore, of the character of their national life and institutions, of what they have already accomplished in the way of arbitration, and of the promises which they have thus made to the rest

of the world by their example, the United States and Great Britain are under the strongest obligations immediately to bind themselves in the most solemn and irrevocable way to abandon war forever.

The President then introduced the HON. J. H. STINESS, LL.D., of Providence, who spoke as follows:

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### ADDRESS OF JUDGE STINESS.

*Mr. President, Ladies and Gentlemen,*—If we were to take a poll of the country, and ask the people from every part of the Union whether they believed a permanent tribunal of arbitration to be desirable, there would be, in my opinion, but a single answer, and the same response would come from our brethren across the water. There can be no difference among intelligent people as to the desirability of this method of settling international disputes. And since the science of war has progressed so rapidly we are coming almost face to face with the old paradox of an irresistible force meeting an impregnable object. If this continues as it promises to, our defences will be such that nobody can hurt us, and an enemy's attack will be such that nobody can repel it; and consequently we shall have to find some other means of settling a dispute than by war. Of course, the only way is that which this Conference is gathered to consider.

That international arbitration is desirable goes without saying; but the more vital question is, whether it is practicable. It seems to me that we may find an instructive parallel in the growth and development of the judicial system under which England and America are now living. As we turn back to our early history, we find that questions of guilt or innocence were at that time determined by the barbaric ordeals of the hot iron, the hand in hot water, and others which were supposed to deliver the innocent and to convict the guilty. After the Norman Conquest, we find that the trial by battle was introduced, and that both civil and criminal questions were settled by that form of trial. Each contestant selected a champion, and those two fought, with batons and leathern targets, from sunrise until sunset, unless the question at issue were sooner decided. How does this differ from the conduct of nations at present in a case of war? There is no more sense or reason in determining national disputes in that way than there was formerly in determining individual disputes in that way. No intelligent community would consider the former for an instant; it seems to me impossible that any intelligent community can approve the latter. But this trial by battle, resorted to even in the reign of Elizabeth, was not formally abolished by act of Parliament until 1819. So slowly do customs change, so hard is it to wipe out that which has become a part of the history and practice of a people.

We may look, I think, for exactly the same line to be followed in the case of international disputes as we find in the case of individual disputes. We have seen countries come to look at the proper

way of settling difficulties in a far different manner from that which was formerly the case. It seems to me that there can be no question but that they will and must come, and are coming faster than we hoped or expected, to the agreement that international disputes shall be settled as now individual disputes are, by a court appointed for that purpose.

But then you come to the question, What shall that court be, how shall it be established, how are we to get it to work? In our own countries we appoint a court by legislative authority; but the two nations have no common Parliament. How can they establish such a court? In the first place there must be a common sentiment of the people demanding it; in the second place, it will become an established court by agreement and treaty of the nations. Whether there shall be a permanent tribunal or a court of arbitration, I do not think we need stop now to discuss. If the agreement can be reached between the two countries that their disputes shall be settled in that way, the rest will follow in due time. I should put the historical facts which were related to us this morning in a somewhat different way from Dr. Hale; I should say that, instead of climbing the same mountain seventy-one times we have had a court which has held seventy-one sessions. This demonstrates the question of practicability. When you have established the principle, when it has been recognized by the two countries and acted upon, what is that but a court, and what more could you have under any form of tribunal? There are, of course, the great advantages of stability, of regularity, and of the respect that would be paid to a permanent tribunal; but there are also advantages on the other side. For instance, there may be questions involving the historical records of boundaries, such as our commission is now investigating with regard to Venezuela, and such as require the services of expert historical students. There may be questions of maritime law, questions of international law, questions that require persons skilled not only in certain branches of international law but also in certain branches of science and historical study.

It is objected that we cannot have such a court because there is no power to enforce its decrees. I do not consider that to be an objection of very great weight. Does anybody believe that either one of the nations entering into this agreement, after a court had decided against it, would reject the decision of its own court? How would it stand in the sight of other nations, — nay, how would it stand in its own self-respect? The moral obligation would, in my opinion, be amply sufficient to give the decision all the force that is needed. Has not this been so in cases of arbitration? There have been questions of boundary, questions involving national honor, questions which have come up at times of great heat and feeling between nations, and yet those decisions have always been respected and obeyed. Would it be less so under a treaty for permanent arbitration? Why, even decisions of a base-ball umpire are respected and obeyed, however much growling there may be about it among the spectators. There is a certain moral weight that goes with the decision of any person who has authority to decide a point. There



is always a good deal of talk against a judge; there would be a certain amount of friction and complaint against the decision of a court of arbitration or of a permanent tribunal. But I believe that those decisions, without any physical power behind them, would be, without exception, obeyed.

As has been suggested, there is a power behind our own courts, the power of the marshal or the sheriff, the power of the *posse comitatus*. But how often have you ever known it called for except in cases of strikes, which were practically insurrection? Suppose you have several nations joining in an agreement for arbitration, and agreeing, as a part of their treaty, to see to it that the decrees of the court are carried out, then a recalcitrant nation would stand in the same position as an individual who should undertake to defy the power of the state. You would get your *posse comitatus* in the combined power of the nations.

Another objection that is made to this proposed court of arbitration is the difficulty in drawing a line as to what questions should be referred to it, and what questions should be left open to be determined between the state officers of the different countries. It is indeed difficult for anybody to draw prospective lines in legislation. There would be, doubtless, under any arrangement, questions of jurisdiction, questions whether a certain matter belonged in one forum or another. But those, again, are matters of detail. Let the agreement be reached, draw the line anywhere, and the rest will come. No nation would go to war with another nation upon a question which was not embraced within the jurisdiction of its international court, when there was such a court in existence to which it might be referred. The line would enlarge, those things would tend to settle themselves, as the spirit of friendliness among the nations increased.

The first thing to be done, in order to bring about such a result, is to educate the sentiment of both countries to the point of demanding it of its executive officers, till they shall rise and say, "We who love our country and believe in its civilization are unwilling that this country should go to war with another country to settle a question of dispute between us, as we would be unwilling to go to war with batons and targets with our fellow-man to settle our individual disputes." When the officers are satisfied of that, on both sides of the water, they will come together. And when they come together to formulate a plan which is to carry out the united good will of the men of both countries, the way will be found, the details will be arranged, the line will be drawn, the tribunal will be established. Our present duty is to inform ourselves and all our fellow-citizens, and to arouse their interest to the point of demanding as their right that there shall be a permanent tribunal for the settlement of these questions. If we do not live to see it accomplished,—God grant that we may! I believe that most of us will,—we may be assured that we have been engaged in a good work here, and that our reward will come. "Blessed are the peacemakers, for they shall be called the children of God."

DR. MOWRY: Will you permit me to attempt to clinch one of those arguments by a little incident in our own history? It was in the first half of this century that a case was brought before the full bench of the Supreme Court at Washington, which related to the State of Georgia and the Cherokee Indians. It came up on a writ of error from the court of Gwinnett County, Georgia, by which court some of the missionaries to the Cherokee Indians had been sentenced to prison. Chief-Justice Marshall pronounced a decision reversing and annulling the decision of the county court, and ordered the prisoners set free. And the President of the United States said, "John Marshall has rendered his decision, let us see it carried out." But the decision was not carried out, and the court of Gwinnett County triumphed over the Supreme Court of the United States. Would you abolish the Supreme Court on that account?

E. L. PIERCE: It has been stated, and is no doubt true, that arbitrations are carried out usually without any force, by the good faith and self-respect of the nations concerned. There have been, however, apparent exceptions to this rule in attempts to defeat awards. Mr. Blaine contended that we were not bound by the Halifax Fishery award for the reason that it was not agreed to by all the commissioners, but only by a majority; but the Secretary of State, Mr. Evarts, sent a check for the full amount to the British government. My recollection also is that we refused to abide by the award of the King of the Netherlands in 1831, in the matter of our northeastern boundary on the ground that he had not regarded the pretensions of either party, but had drawn a conventional line. Such a line will often be the best solution of a boundary dispute; and I fancy that the Venezuelan controversy will in the end be adjusted by a line which suits modern convenience rather than by an interpretation of ancient and indefinite grants.

JUDGE EDMUNDS: My recollection at this moment is that, as the line was not satisfactory to either party they agreed that they would not establish it precisely as the King of the Netherlands had drawn it. I do not think it could be said that the United States repudiated his finding. And it is right to add that any President of the United States who should have agreed upon the King of the Netherlands as an arbitrator between the United States and Great Britain had better have taken the prime minister of Her Majesty's government; for everybody knows that the influence of Great Britain with the government of the Netherlands has always been supreme.

The President then introduced PROFESSOR JOHN B. CLARK of Columbia University, who spoke as follows:

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#### ADDRESS OF PROFESSOR JOHN B. CLARK.

I have heard the opinion expressed that, in one particular, our Con-

ference might approach a little too closely to the character of the class-meeting of the Methodist church; in that, while it is eminently desirable that we should have unanimity of feeling, we might develop just a little too much unanimity of thought. It has been a matter of rejoicing that that excessive unanimity has been somewhat disturbed; and it is with a view to still further disturb this condition that I venture to offer a slightly dissenting opinion concerning one point.

In our most confident statements concerning the practicability of a permanent court of arbitration, I fancy there is an undertone of misgiving, and that we all realize that at least three difficulties stand in our way. First, we are dealing with sovereign states, and it is not now practicable to coerce them. Secondly, we are proposing to establish a tribunal without that elaborate system of appeals which in private judicature is regarded as essential. The only appeal that can be reserved from a decision of such a court is the appeal to war, which is the thing we wish to avoid. And, thirdly, if we establish any coercive power at all, it must be by the principle of contract; and the coercive authority that is behind an ordinary court does not rest upon that principle. A man does not submit his case to the decision of a court because he has promised to do so. He has made no contract of this kind with his neighbor. He submits his case to the court because it represents the sovereign state, which has authority over both of them. If the nations of the world ever constitute one sovereign state, that shall sustain the same relation to individual states that they now do to individual persons, then we can have coercion back of an international tribunal; and the dissenting opinion which I wish to advance is that, before that time, it is not only impracticable to have it, but in the interest of peace itself undesirable that we should seek it. And yet we ought to have our permanent tribunal.

It is impossible for an economist to approach this subject from the same point of view as a jurist would do; and it is impossible for him to think upon it at all without introducing those features which modern economic development has injected into the situation between nations. The attitude of labor toward capital, the world over, is commonly supposed to be very menacing. It resembles war, and is sometimes called so; though it is not war, it looks like it. In any case, it results in a good deal of belligerent feeling and some belligerent talk. It menaces the security of different parts of the state, — not of the state as a whole. It disturbs the public peace here and there; and, as some people think, is more likely to strain the capacity of a democratic government than anything else that can possibly arise. From my point of view the assurance of international peace lies in exactly that development. The attitude of labor toward capital, the world over, menacing and belligerent as it is, seems to me to offer a promise of international peace.

I do not know whether you have noticed how sensitive labor is at present to the injury which the prospect of war inflicts upon what it regards as its own special cause. It is not from any fine economic philosophy, although it might arise from that source. It is

not because the labor leaders, the world over, clearly perceive that the destruction caused by war introduces into the relation of labor and capital that which is pre-eminently detrimental to labor; that the mere destruction of capital itself reduces the wage-paying power of the employer of labor. In a less exact and analytical fashion, the labor leaders, the world over, are able to see that after they have gained, by contest with their employers, what seem to them material things, they are likely to see this gain slip away from them by the introduction into the situation of the disturbing element of war. That feeling extends, not from one end of the country to the other, but from one end of the world to the other. It is even stronger in England than in the United States, and the utterances in favor of peace that have recently been made on both sides of the Atlantic, which have had most weight in political circles, have seemed to me to come from organized labor in the two countries.

The peculiarity of this demand for peace on the part of organized labor is that, in this relation, the interest of labor in England is identical with the interest of labor in the United States; and the interest of capital in England is identical with the interest of capital in the United States; and, for a wonder, the interest of capital in both countries is identical with the interest of labor in both countries. There is a three-fold harmony of interest in demanding peace.

Against all that interest you can array a moral force that will override, for the time being, the considerations in favor of peace. You cannot array against it a mere impulse that will do so. The nation is like a big undeveloped boy, with a pistol in his pocket and aching to shoot; but an impulse alone is not a decision; and a nation like ours will not from mere impulse, plunge into war. Some one once said to me, "If you do not want your army to be a useless, ornamental thing, you must have a war once in a while." But I do not believe nations are seriously going to war merely to exercise the army. After the original impulse there comes the second thought; and if war is actually precipitated, there has to be a sense of injustice done, a moral influence, back of it. That consciousness of a good cause may exist on both sides of a quarrel, as in the American Civil War. You must have a moral force, in order to plunge one civilized nation into an attack on another. You may neutralize that force; if you do, you leave the great forces of material interest undisturbed to determine the outcome. With a genuinely moral feeling acting against these material interests that demand forbearance and conciliation, you may not succeed in averting a conflict. Even with the united voice of labor on both sides of the Atlantic, and of capital on both sides of the Atlantic, demanding peace, you may still have war. But cancel out the moral forces, — neutralize the one that makes for war by another that makes against it, — and you leave interest to dominate the situation.

This is no ordinary interest, but a very vital one. It means the present and future welfare of the working classes of both countries. It is not an unworthy consideration, but is one that ought to dominate national policy. The new moral influence, that can neutralize

whatever of moral backing the demand for war may have, and thus leave the motive of interest to have its way, may come from the decision of a tribunal that does not have coercive authority behind it. A far better court is needed if it is to act without coercion. You can get on with a relatively poor tribunal if a police force is behind it. It has been my pleasure to make a study of tribunals for the settling of questions of wages, rather than a study of tribunals for settling international questions; and I have been able to see that those boards of arbitration which aim to avert strikes, and which have no coercive force back of them work with a great deal more precision than would be attained if they did have such coercive authority. They have to be indefinitely better courts to accomplish anything; they have to conform very much more accurately to the demands of economic law. Is not something of that sort true of a tribunal that assumes to decide the difficult questions that arise between nations? Give it coercive authority, and a poor court may, in some sort, serve your purpose. The danger is that it will not long be tolerated. Deprive it of coercive authority, and you must have an exceedingly good court, and it must keep, in its decisions, exceedingly close to the ultimate principles of justice.

JUDGE EDMUNDS: The observations of Professor Clark have been extremely interesting to us all. I think it may be added to what he has said in respect of the want of a coercive power that, if it should happen, as I believe it never has, that the United States or Great Britain, — to speak of those nations only, — should refuse to obey the judgment of an impartial tribunal, certainly the country in whose favor the tribunal had pronounced its judgment would be better off than it had been before the tribunal had been called upon to act; for if war must come, it would be backed by the moral sympathy and support of all civilized peoples.

I now have the pleasure to introduce to you the REV. DR. REUEN THOMAS of Massachusetts.

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#### ADDRESS OF REV. REUEN THOMAS, D.D.

*Mr. President,*—Perhaps there is no one present who is in exactly the same relation to this theme, and who has passed through exactly the same kind of feeling with regard to it since last December, as myself. I seem to be a sort of twin individual, belonging to both sides of the Atlantic, and I have considerable debate with myself sometimes to know to which side I really belong. The experience of last December was one which I never wish to pass through again. I realized that here were the two foremost nations of the earth, talking in a way in which I had never expected to hear them talk. On this side the ocean people seemed suddenly to wake up to the idea that for some inscrutable reason or other it would be an excellent thing to go to war with Great Britain. Down to my very soul I am a peace man, and in the abstract of course I should have been on the side that was opposed to war. But when it happened

to be a question of war between the United States and Great Britain, it seemed to me one of those troubled dreams that could never become fact.

One of the things that distressed me beyond aught else was the utterly frivolous way in which large numbers of people could speak on this subject. I could not believe that it was possible, in this nineteenth century, in anything that had any pretensions to be called a Parliament, that people could vote on such a serious business without any deliberation. That was one of the most astonishing facts that has ever occurred in modern times. Something is absolutely necessary to prevent the people of this country, — the right-thinking people, the sane, the reasonable people, — from being utterly misrepresented before the world by men who are capable of such a stampede as that. I do not wish to speak evil of dignities; — perhaps you would not be inclined to apply that word to all the members of the House of Representatives; — and I know for certain that a large number of them, after they had given their vote were thoroughly ashamed of themselves. I believe, however, that a great deal of the foolish and the wicked feeling on this subject arises from ignorance; in the United States from ignorance of England, and of the character of the English people; in England from the fact that they do not really know much about the government of the United States, and they actually think that the people in Washington represent the best elements in our population.

I know England, and I know Englishmen, and I know how they feel with regard to America. England will never invade America, never. (Applause.) There is no possibility of that, and I will tell you why. In the first place because England has all she can attend to on the other side of the Atlantic, and in the second place because they do not look upon Americans as foreigners; I do not believe there is an American here who ever heard himself called a foreigner in England. There is something after all in blood and in language, and Dr. Trueblood notwithstanding, the blood and the language are nine-tenths of the business. Quarrels between these English-speaking peoples are of the kind, the embittered kind, it is true, that you find in families. But when these peoples get to their sober second thought, and to the use of a tribunal like that which Dr. Hale suggested to us this morning, the thing in dispute would be carefully considered, and by the time the end of the deliberations was reached the people would have got into a new state of heart, the boiling in the blood would have cooled down, and war would be prevented. I can not believe that the component elements of this English-speaking race are going to war with one another any more, not simply because of that relation of economic forces to one another which has been referred to by Professor Clark, but chiefly because these races are becoming more and more ethically Christian, and because our Lord himself has predicted higher and holier times for the human race than it has ever had. And also because, with Dr. Abbott, I believe in evolution, that men are slowly but surely evolved out of the tiger state and by and by come into a state of sweet reasonableness, which substantially is a state of religion.

It is not a very easy and comfortable thing for a man in my position, to be for some part of the year on one side of the Atlantic, and for some part on the other side. When I am in England I always have to be defending the Americans, and when I am in America I have always to be defending Englishmen, and I am getting a little tired of it. If these peoples can be brought into a more perfect understanding of one another; if they can be brought to recognize that there are certain great common interests of their life which are of the highest importance to the human race at large; if every one of us in his place can do the little that he is appointed to do, and if we can keep pegging away in regard to some central, supreme definite point, in this business which carries and includes all else, we shall accomplish something. I have noticed that reformers generally weaken their influence by trying to do too much and not fixing their attention on one practicable thing. When you try to distribute your energy over too large a surface, it is absolutely impossible for you to make much headway.

Now here is a definite proposal that has been brought before us, this supreme court; a court that shall not be called together just for the immediate occasion (for it is quite impossible that every member of such a court could be brought to look upon a question impartially), but a body of men schooled to deliberateness; chosen, not because some belong to one side and some to another, but elected at a time when everything is quiet, when there is no strife; men the highest and noblest that can be found, with trained faculties, with a knowledge of international law;—though there were no physical power back of such men, yet would not the moral power of the world be behind them? Any man of high character and sufficient scholarship carries weight, put him where you will. Of this kind would be the men, the supremest men that you can find, that I would constitute into the supremest of all supreme courts.

The reason we ought for the present to confine such a court to the English-speaking peoples is because, seemingly, they are ready for it. I should like to emphasize the suggestion that *something* be done, if it is not the best thing. I have a feeling that the distinguished man who is now President of the United States would not be unwilling that his administration should be crowned with this immortalizing crown. I believe, if the movement were made with wisdom and judgment, that the occasion we have to-day is the finest occasion that has ever been presented to these two nations. Circumstances have made this subject specially interesting to men just now, and I believe, if these ideas of ours were adequately presented, that we should not have to wait a very long time before this glorious idea would be among accomplished facts, and we should have this supremest of all supreme courts. (Applause.)

JUDGE EDMUNDS: I think it may be well to add, in support of what Dr. Thomas has so well said in respect of the moral force of a tribunal composed as he has described it, and in reference to what was said a little while ago of the difference between the authority of a state over its citizens and the authority of an international

tribunal where both the parties to a controversy are themselves sovereigns, that if we think for a moment of the theory on which all civilized states are founded, we shall find that they come into existence and have their very being and life out of the moral forces and sentiments of the people who have founded them. When a body of men are in a state of nature, each man is sovereign; and it is only the moral force, the moral sentiment, and the moral law, that teaches every one of its citizens that it is a moral obligation that a state shall be formed which shall have, on that moral foundation, a complete authority over all citizens, within the limits that their agreement in their constitution shall have provided.

MR. PRATT: I would like to say a few words in endorsing the remarks of the last speaker in regard to the English sentiment towards America. We must, in speaking of the people, make a distinction very often forgotten. There are Englishmen and Americans, as I have observed that there are Americans and Americans. I would refer particularly to that section of my countrymen which I know best, because I have most associated with them and lived among them; I speak of the working classes. In any meeting of workmen, in any meeting of men connected with trades-unions, in any meeting of men connected with that grand and glorious movement for industrial co-operation, in any meeting for the movement for establishing workmen's clubs, there would not be one man who would not express himself with the strongest horror and detestation of any serious dispute with his brethren on the other side of the Atlantic. I have worked for thirty years among the working classes of England, and I know something of their sentiments.

The opinions which the various classes of Englishmen entertain on foreign questions depend very much upon their social position. The aristocracy have military traditions, lasting through centuries, and they are brought up with the traditional admiration for these past exploits. Then the great middle class, those who come in contact, by marriage or affinity or trade or commerce, with the aristocratic classes, share more or less their prejudices on these subjects. Then you come to the great mass of the working class, who for the last few years have been rising, rising steadily in intelligence, and I am glad to say, in power and control in all public affairs. I do not know any people who have made greater progress than the working classes of our country in all that relates to moral, social and intellectual advancement, and with their great political intelligence and their great political power they will certainly have a greater and greater control over the government of the country. There was a little accident last year in the elections, and for a time we are not enjoying a government such as I believe the mass of the people would approve, if they had a plebiscite. We have therefore the same work to do which you have, the education of public opinion in regard to the question of war, in regard to the settlement of international disputes. That education of public opinion, if properly carried out, will, when you have truth as its basis, accomplish



everything. "*Magna est veritas et praevalabit.*" These great truths which come to us from inspiration of the Deity himself must succeed, when we are faithful to them and teach and promulgate them. For men's hearts and consciences are so constructed, by the Author of their being, that when properly educated there will be always a response to those truths which are intended for man's benefit and progress.

You have a difficult work in the education of public opinion. The press exercises an influence of enormous power, I suppose, in America, as it does in Europe; and I regret to say that that power is not always used for good ends. One of the most painful facts with which we peacemakers have to contend is the strong jingo tendency in the newspaper press of Europe, and I suppose it is the same here.

JUDGE EDMUNDS: Precisely the same.

We have to contend against that mischievous element. It seems to me a horrible thing that men having the immense power over others that the use of the pen gives them, should deliberately misrepresent and distort facts in the interest of war and hatred between men. We are now at the mercy of the misinformed and sometimes malevolent press. Some telegram appears in a newspaper, giving a wholly false impression as to a dispute between two nations. The editor writes article after article based upon that utterly misleading telegram; he excites feeling, and you never know where that feeling may lead to ultimately. And the feeling itself is an evil, even if it does not lead to war. Should there not be, I ask, in every country and in every city of Europe and America, some machinery by which this tendency to set in circulation wholly misleading and false and dangerous statements might be arrested? Why should there not be, in every large city, a group of well-informed men of different nationalities, perhaps the most intelligent members of the different chambers of commerce, who should form themselves, when these questions arise, into a committee which should report upon the facts on both sides and authoritatively make them known?

GEN. EATON: A single point as to the bearing of the laboring classes and their attitude upon questions of this kind. Every American recalls undoubtedly a very interesting fact in connection with our Civil War. Nobody can tell what would have been the effect if the English government had recognized the Confederacy. Whatever sympathy there was among the aristocratic classes in England, we were made well aware that the laboring classes, even though the absence of cotton prevented them from having an opportunity to earn their bread, were in sympathy with the Union.

DR. THOMAS: I was in controversy with a clergyman in New York the other day on that matter, and he contended that this present outburst arose out of that old fact that the people of England

were strongly in favor of the Southern Confederacy. I said, "The people of England were not in favor of the Southern Confederacy, and if you knew England you would understand that some of the things in the newspapers are no indication of the true state of things." The fact is that during that time there were thousands of meetings held, with open doors, without tickets, to which the public were invited, on behalf of the North. They were crowded, they were unanimous. Not one single meeting was ever held on behalf of the South, or could have been held. That represents the public opinion of England. (Applause.)

MR. PIERCE: I desire, after a preliminary explanation, to make an inquiry of Mr. Pratt. Two important arbitrations with England have been referred to, the one at Halifax concerning the fisheries and the one at Geneva concerning the Alabama Claims. In the former case five and a half million dollars was the award against us, where it is doubtful if anything was justly due from us; or at most one million would have been a liberal sum for the satisfaction of the claims against us. The result is attributed to the incompetency of the American member of the tribunal, the superior ability of the English member, and the partiality of the third member, Delafosse, the Belgian, who was, if I remember right, designated by the Austrian ambassador at London. In this arbitration we suffered, while in the other one, to be mentioned, we apparently obtained much more than we were entitled to.

The Geneva tribunal has been frequently referred to as a great moral spectacle, but it has some aspects which should not be passed over. The treaty of Washington, agreed on by commissioners of Great Britain and the United States, determined the principles on which the controversy was to be adjusted. It laid down retrospective rules governing the duty of a neutral nation as to the fitting out of warships within its jurisdiction and their sailing from its ports to cruise against either belligerent. The English commissioners did one of the most honorable acts in modern diplomacy when they expressed the regret of Her Majesty's government for the escape of the "Alabama" and other Confederate cruisers from British ports. All this was without any resort to arbitration. It was unfortunate that the High Commission could not have here finished the work it so well began. The American commissioners indeed proposed that the High Commission should itself agree upon a sum which should be paid by Great Britain in satisfaction of all claims. The British commissioners rejected this proposition, unwisely as it would seem, and made instead an offer of arbitration which was accepted. The tribunal at Geneva which followed came very near a dissolution without a result. There was a contention, prolonged and determined, as to whether indirect or national claims were included in the submission, Mr. Fish maintaining that that they were, and Lord Granville that they were not; and the British government proposed to withdraw from the arbitration if the inclusion of those claims should be insisted upon. At this point the arbitrators intervened spontaneously, and without argument or request from either party,

decided that such claims were not admissible upon the principles of international law. This was an extraordinary proceeding, hardly justifiable in a judicial tribunal, but it was all that saved the arbitration from ending abortively at this stage.

The tribunal then, after a prolonged hearing, decided that Great Britain was liable for the captures made by the *Alabama* and the *Florida* and by the *Shenandoah* after her departure from Melbourne, but not for the captures made by the other Confederate cruisers, and awarded the lump sum of fifteen and a half millions of dollars to cover our losses, for which Great Britain was held responsible. Now Congress distributed in round numbers six millions in payment of all losses, included in the award, that is the captures made by the inculpatated cruisers, and gave the rest to reimburse damages caused by vessels for whose acts Great Britain was held not responsible, and also to compensate for indirect injuries as insurance premiums, which had been ruled out by the tribunal. The fact that less than one-half of the award was found sufficient to compensate sufferers for whose losses Great Britain was held responsible, and that the rest was paid to parties for whose losses that country was held not liable has not helped the principle of arbitration.

This seems to be the view of the English writers on international law, who show discontent with the result at Geneva. Thus William E. Hall, a writer of acknowledged authority, while admitting the utility of arbitration in unimportant matters, to which it has usually been confined, says (doubtless referring to the Geneva tribunal), that "it is unfortunate that both the proceedings and the issue in the most important case of arbitration that has yet occurred were little calculated to enlarge the area within which confidence in the results of arbitration can be felt."

Now I should like to ask Mr. Pratt what is the current thought and feeling in England among statesmen, publicists, lawyers and intellectual men as to the desirability of a system of arbitration with this country, particularly with reference to the proceedings and result at Geneva?

MR. PRATT: I should answer by referring the speaker to the *unanimous* vote of the House of Commons, which took place three years ago, in favor of a treaty with the United States establishing permanent arbitration between the two countries. If that does not sufficiently indicate a friendly feeling, I do not know what would prove it.

MR. PIERCE: I do not think that Mr. Pratt's answer quite covers my inquiry. We had a vote of the British Parliament in 1873, on Mr. Richards' motion. That is now twenty-three years ago, but the question does not seem to have advanced. Besides, my inquiry relates particularly to the opinions of statesmen, publicists and persons who give special attention to international questions.

MR. CEPHAS BRAINERD: I do not want to divert attention to an issue which is not strictly before this Conference. But it so hap-

pened that I was employed to represent certain interests in the discussion before Congress as to the distribution of the Geneva award. I do not wish now to rehearse that discussion, except to say this: the question was very fully discussed by competent men, and I believe, if the Congress of the United States ever acted conscientiously, within the limits of a just equity and within the limits of morals, and within the limits, too, of the language of the award at Geneva, it acted in that way when it disposed of those funds, and that it disposed of them in a most creditable and honest way. I say this, not to discuss the question with my friend Mr. Pierce, but to have it understood that it is possible that he may be mistaken in regard to his conclusions.

DR. TRUEBLOOD: When Richard Cobden presented the first petitions in behalf of arbitration in the House of Commons in 1849 he was openly jeered and laughed at. Later in the year when he brought before the House his motion, the first of its kind ever offered in Parliament, it got, I think, 81 votes, which was considered at the time surprisingly large. When Mr. Richards brought forward his celebrated motion, 24 years later, in 1873, the vote in the House was a tie, and the resolution was carried by the casting vote of the Speaker. But when the Cremer Resolution, referred to by Mr. Pratt, came before the House in 1893, 20 years later, it was carried unanimously. It seems to me, referring to what Mr. Pierce has said, that that represents very marked progress in English public opinion in favor of arbitration.

JUDGE EDMUNDS: I ask leave to say, before we adjourn, in regard to the regret of Her Majesty's government, that it was a great stumbling-block when the High Joint Commission sat at Washington, and days were spent over that question. At last a phrase, — and phrases are everything in diplomacy, — which really meant nothing at all, was adopted. The language was substantially this: that Her Majesty's government regrets that, under whatever circumstances, the vessel escaped. I do not think that it was a very great triumph of good will among nations that those eminent gentlemen should have been obliged to resort to a phrase which is very much like some political phrases of our own day, — a way to avoid saying directly and squarely what they mean.

The Conference then adjourned.

## Third Session.

Thursday Morning, June 4.

The Conference was called to order by the President at ten o'clock, and MR. JOHN B. GARRETT was introduced, to report upon business referred to committees by the Conference of 1895.

MR. GARRETT: The chairman and secretary of the Conference of last year were deputed to send copies of the Declaration which was made by that Conference to the governors of the forty-five commonwealths composing the Union. Of the forty-five, seventeen only responded in any way, most of them through private or official secretaries simply acknowledging the receipt of the papers. Two copies of the Declaration, signed by the chairman and secretary, went to each governor, with a letter from myself, asking that he would examine the papers carefully, expressing the hope that the sentiments expressed would meet the response of his own judgment, and that he would convey these papers to the two branches of the legislature of his state, with his recommendation that they request the members of the lower House at Washington, and instruct their senators, to carry out the wishes that we presented to them.

The Conference last year also appointed a committee of five, adding myself *ex-officio*, to wait upon the President of the United States, with a request for his active interest in the negotiation of an arbitration treaty with Great Britain. In the early summer, when the President was at his home on Buzzard's Bay, a letter was addressed to him, asking if it would be agreeable to him to receive a visit from that committee. He declined, for entirely proper reasons, but expressed his own earnest interest in this subject. Later the request was renewed, and it was the feeling of the President that already the subject had received at his hands the attention which circumstances demanded, and that he must wait for his next step until public opinion was further matured.

JUDGE EDMUNDS: Mr. Garrett has been asked to open the morning discussion.

### ADDRESS OF MR. JOHN B. GARRETT.

*Mr. Chairman, Ladies and Gentlemen,*—At the opening of the last Conference, our generous host said that it was his wish that we should not discuss either the horrors of war or the question of "peace at all hazards." We have respected that wish, I think, scrupulously. I do not propose to break faith with my host; at the same time I have never felt comfortable without resting the subject

with which we have to deal upon high Christian ground. I think that we should be living below the privileges of Mohonk citizenship if we rested the discussion of this subject upon merely the material interests of the people of this country or of the world. If we recognize that God is love, and that one of the primary duties of our humanity is to be filled with the spirit of love, is it anything less than a crime if you and I contribute to that spirit of contention which results in strife, and in national and international war?

Last year, arbitration was our foremost thought. Our host called this an arbitration conference, and said that he did not wish it to be regarded as a peace conference in any other sense. The address which we sent to the governors of the states was an appeal on behalf of arbitration. And yet so rapidly is history made and so true is Dr. Abbott's thought that there is evolution in this subject that, as Dr. Hale pointed out, we are already dropping the word arbitration and are substituting other terms.

I think it important that we should discriminate clearly between arbitration and a court. The subject was brought before us a year ago, in one of our latest sessions, when he who served us so admirably as the chairman of the business committee, that learned legal teacher, gave us most clearly and instructively his view of the differences that existed between arbitration and a court. To sum them up from a layman's standpoint, they are substantially these: arbitration is occasional, it is for the moment, it is voluntary, it is based upon a mutual obligation of the contending parties that they will abide by the result of the arbitration. The arbitrators themselves are appointed for the special occasion. On the other hand a court is permanent, it is organized in advance of the contention, those who administer justice are appointed without reference to the particular issue which is to be presented to them, but because of their general ability to render such service. It seems to me important that we keep in view these distinctions, as bearing upon the question whether arbitration or a permanent tribunal is the proper means of settling international disputes.

I think, as has already been said, we are all for peace. So far as the discussions of this Conference go, it is no longer an open question whether or not there should be peaceful settlement of international controversies. Yet it is true that there are many citizens of this and other countries, — notably members of the army and navy, but as well, we have to admit, some ecclesiastics, — who take the contrary view and believe that war, to a certain extent, is a blessing. I do not so read history, I do not so read the truth of God. I believe that whatever may have been the condition prior to the coming of our Saviour, when he came a new era was ushered in, in which the Prince of Peace was to rule in the hearts of men and in the kingdoms of the world. I believe that it is the duty which rests upon every individual citizen to contribute so far as he is capable to the peace of mankind; not only that the material prosperity of the nation shall be promoted, but simply and always because it is the will of the Supreme Creator of the universe.

One of the subjects which has been presented for our considera-

tion is where the limitations shall be imposed, if any, to the sphere of operation of a permanent tribunal. We have been reminded of the dangers of personal attack; and our learned and honorable chairman supposed a case yesterday: that if the United States were suddenly to seize Canada, we could expect nothing else than that Great Britain should resist it. I admit that is stating the case in a way that is a little difficult to contravene. But it is a case that never could occur. I do not for one moment admit the possibility of this Christian nation seizing upon an English-speaking people upon our border, who owe allegiance to a foreign power. Least of all would it be possible if such a treaty existed as we are now asking should be made between this nation and Great Britain.

The case, as stated by Judge Edmunds, would perhaps be better reversed. Suppose that any other nation were to do violence to the territory of the United States, and his rule were laid down, that it would be expected that the United States should instantly go to war with that nation. That is the point with which I take issue. I am enough of a peace man on principle to believe that that is just the point at which the line should be drawn. If such a contingency should ever occur after the treaty were made, and we should resort to the tribunal which was provided, everything would come right and that speedily. There would be no war, if the second party did not assist in the making of war; and if we obeyed our treaty and submitted a question of that kind to the judicature which had been provided, we should have the sympathy of the whole civilized world, and should find ourselves re-possessed, in a few months at most, of the territory in question, while the principle for which we were contending here would have its vindication before the whole world.

I know that there are many, in an audience like this, who do not sympathize with a principle of that kind. I can see it in your faces. But, ladies and gentlemen, we are undergoing education. The evolution which has taken place since we met here a year ago will be probably equally marked in the twelve months to come. I venture the prediction that there will be many more of you who will agree with me, after the enactment of the treaty in question and its confirmation by the Senate of the United States, than do so now.

Now one word as to why the permanent tribunal is preferable to arbitration. To my mind, the constancy of such a tribunal is a very strong element in its favor. The fact that it is in being, and may be resorted to by regular legal process, is in itself a tremendous force in its favor. If we had such a permanent tribunal, with the mutual ability, — I need not say obligation, — of the contending parties to take a step out of the forum of diplomatic negotiation and refer a question to a permanent court, we would have very largely the cure that we are wanting. It is because negotiations are going on by diplomacy, and because the mass of the people are in ignorance of what that diplomacy is and where it will land us, that there is kindled and fostered among the seventy millions of people of these United States a feeling that may bring us suddenly into

rupture with kindred peoples. If it had been possible last winter to say, by official announcement, "This subject is withdrawn from the sphere of diplomatic negotiation, and is submitted to the highest judicature of the whole world, which will look at it dispassionately and deliberately and will give its decree in accordance with the fact and international law," would it not have removed it at once from the forum of public discussion and would we not have found peace where we had dissension and strife? It seems to me such would have been the necessary result, and we would have gone on with our several pursuits, and both nations would have avoided the loss of hundreds of millions in national and individual wealth which were sacrificed unnecessarily by the pressure and uncertainty.

It is wiser doubtless at present to confine our attention to our relationships with English-speaking peoples. When this subject was presented to us last year, we included in one of our minutes several of the civilized nations of Europe; but there is much to be said in favor of our immediate attention being confined to Great Britain. This is primarily because there is a ripeness for it; because there has been the unanimous expression of the House of Commons; because steps have been taken by our national Congress looking in the same direction; because of the unity of interest; because of the relationship of blood and language which is so strong an element in all our thought and actions. If we undertook it at the moment upon a wider plane, we should probably find the consummation of our hopes much delayed. Whereas I believe that the consummation of our hopes with Great Britain would speedily result, from the object-lesson that would be presented to the world, in the extension of the principle to other civilized nations of Europe.

Dr. Mowry, in his address, developed some facts new to me, as to the relative progress of English-speaking throughout the world, especially the fact that to-day we hold a position, as English-speaking people, far paramount to that of any other language and any other race. There was brought home to me a sense of the responsibility of the English-speaking people of this world as the custodian of God's purpose, as his human instruments; and of the responsibility especially of the citizens of the United States of America, a nation which in God's providence is being used to fuse the nations of the world. The responsibility which rests upon us Americans, upon us in this room, to use our influence in behalf of God's purpose in the peace of the world, passes almost our comprehension, and ought to inspire us to higher thoughts and higher aims, and to an unceasing effort henceforth, so long as human life shall be given us, to forward that purpose and to fulfil our duty in promoting the peace of the nations of the whole world.

MR. SMILEY: I took it for granted that we were on the same basis as last year. When I called the convention of last year, I was afraid that it might be thought to be a convention in the interests of



non-resistance, of "peace at all hazards," especially as I belong to a society which is well known to advocate such views, and I wanted to eliminate those discussions. I took it for granted that everybody knew the horrors of war and believed in the desirability of peace, and that most of the people whom we summoned would not sympathize with such a movement as one for "peace at all hazards," with no army and no navy. I used to hold such views, but now I think it necessary for the maintenance of any stable government that there shall be a police organization—call it what you please—to preserve peace. The labor riots in Chicago, a few years ago, would have overturned the government had it not been for the prompt action of President Cleveland in sending troops. But I deprecate the enlargement of our army. However, I do not want to discuss that; I think a Conference like this should be limited to something definite.

We called it an arbitration conference then, and I think we had better keep that simple name in the future, and let it be understood that it includes any peaceful method of settling difficulties between nations.

JUDGE EDMUNDS: Only half a century ago, the United States did to our sister republic of Mexico very nearly what my illustration concerning Canada supposed yesterday. Without any real foundation of governmental title, the armies of the United States were marched from the Sabine or the Rio Nueces to the borders of the Rio Grande, and took possession of a great tract of valuable Mexican territory to which we had not any just claim,—it was a pretext for the enlargement of our dominion. That was followed by the Mexican War, and we turned out to be right,—in the sense that God, as we irreverently say, is on the side of the heaviest battalions. We were then civilized, or thought we were, and we have not changed so much but that the same thing may happen again. It seems to me, therefore, to be plain that there must be a limit somewhere,—as broad and as far away as possible,—to the things that we will agree in advance to submit to arbitration. It is a practical fact that you will never get the first step in the diplomatic arrangements of the two countries unless there is a line drawn somewhere. You are therefore, in the diplomatic and negotiating eye of the practical men who manage the affairs of these two nations, rather diminishing your influence by demanding what to them will appear to be absolutely absurd and inadmissible.

One other point. If it be clear, as my friend Mr. Garrett has said, that the state of public opinion is to be so peaceful in both countries after the treaty shall have been made, then with this limit in the treaty the same spirit will exist, and it can certainly do no harm!

The President then announced to the Conference that by the direction of the Business Committee the time-limit had been fixed at fifteen minutes, and that addresses of that duration might be expected from Mr. Cephas Brainerd of the New York Bar, Hon. George S. Hale of the Boston Bar, Judge Robert Earl of the Court

of Appeals of the State of New York, Mr. Walter S. Logan of the New York Bar, and General A. C. Barnes of New York; the general subject being, "Difficulties in the way of the proposed permanent tribunal, and the way to overcome them." MR. BRAINERD was first introduced.

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### ADDRESS OF MR. CEPHAS BRAINERD.

*Mr. President, Ladies and Gentlemen,*—You remember that Mr. Ruskin, in one of the most charming of his miscellaneous papers, lays down this proposition: "All the pure and noble arts of peace are founded on war; no great art ever yet rose on earth, but among a nation of soldiers." It is contended that war develops some of the noblest and grandest qualities in individuals and in nations. May I say to those of you who are real peace advocates, that there seems to be in your discussions a deficiency of reasons answering views like those expressed by Mr. Ruskin. I have not found, in my examination of the publications of the various peace societies, very much space devoted to that aspect of war. It would be well to give some time to a candid consideration of these alleged advantages.

It was my fortune to attend the Peace Conference at Mystic, last year, where a most sensible resolution was adopted. Latterly we have been spending some time in our public schools in teaching boys military drill, and it is alleged that great good comes to them from that discipline. Now, a resolution was brought before that conference creating a committee to consider the subject and to devise some method of discipline, which would confer upon boys all the advantages which were to be derived from military discipline, and yet save them from its alleged ill effects. That was a very wise thing, and if that committee presents a practical report the Mystic Conference—even if nothing else results—will turn out to be a blessing.

Now as to a permanent tribunal of arbitration (I like that word), it seems to me that there are very few questions which cannot be submitted to such a body. We are met with a statement that the submission to such a tribunal of a question of national honor can never be procured. Well, that is a mighty indefinite term, as you will agree. So far as I understand what is meant by national honor, I think if you take up a list of past arbitrations you will find that a variety of questions, which under ordinary circumstances, statesmen and lawyers—yea, men and women—would have said involved those questions have yet been adjudicated, and the determinations have been accepted by the nations which were parties to the contentions. I do not think there is any great difficulty about that. There is no doubt that there must be in this regard some sort of exclusion of such topics in any treaty.

MR. EDMUNDS: Or some enumeration which implies the exclusion of all not mentioned.

MR. BRAINERD: Yes. We have to make a beginning in this business; the great result is not to be attained at a single stride. I do not think when England and the United States shall have agreed upon a convention providing for an arbitration tribunal, that before that treaty is actually signed all the great powers of the earth, like a flock of sheep, are going to rush to the council table clamoring to become signatories. I am however strongly of the opinion that a treaty should be so constructed that nations from time to time, one after another, may become parties to it, enjoying its advantages, and subjecting themselves to its obligations. Those of you who are familiar with the literature of international law will remember a very charming book by Dr. Lawrence of Cambridge, England, entitled, "Essay upon some Questions of International Law." And you will recall in that book one paper with the striking title, "The Primacy of the Great Powers"—the leadership, the domination, almost the control of the great powers. Now if two great nations like Great Britain and the United States agree upon some permanent system, you will find the smaller powers acceding to it, one after another, and, in my judgment, with great rapidity. And thus this primacy, which is exercised very selfishly and perhaps tyrannically, will come to be exercised in the interest of the smaller states, and for their protection.

I have no question about the willingness of the English-speaking people to agree upon a treaty having all the elements of permanency which such a treaty can have, establishing an international tribunal. But we are told that in the past hundred years the United States have had seventeen arbitrations with Great Britain; that would not make a very busy Court. When that fact is stated, you have also stated the reason why the *personnel* of the court need not be permanent. A treaty should provide for a court whose good offices could at any time be invoked, and also for the selection of commissioners or arbitrators, when its intervention is required. There would be a variety of questions, and yet in all so small a number of controversies, that the members of the court could hardly acquire that knowledge which makes, finally, the great judge—the knowledge which comes from wide judicial practice. The Jay treaty provided for at least three arbitrations, and I believe every one presented an independent class of questions. The settlement of the boundary between Maine and New Brunswick did not call for any large knowledge of international law; the question of debts due by our people to British subjects, as presented in the treaty, involved little knowledge in regard to the boundary of states, of the validity of belligerent capture, but the questions which were considered by that great commission, which sat in England, called for the determination of very difficult and complicated points in international law. So perhaps there is a great deal of force in the observations made last night, that you might have to select your Commissioners with some reference to the questions to be litigated. Even private litigants feel unwilling to have the one judge try all their causes. The treaty should fix the method of selection or nomination.

I think in all these discussions we make a great mistake, as thoughtful people, in reasoning as to the feasibility of a permanent tribunal from the position of the Supreme Court of the United States in its relation to the controversies which are brought before it. There is, no doubt, a superficial sort of resemblance, but no real analogy, and an argument founded upon that supposition is not helpful to our cause. We are considering something that goes far, far in advance of the adjustment of the relations between our States and the individuals in them, by our Supreme Court under the Constitution. We are seeking to bring independent nations, under a pledge of honor and national faith, to abide by the determination of a tribunal honestly and fairly selected, but from which there is no appeal.

Nor ought we to deceive ourselves in regard to the progress already made. During this century there have been many arbitrations which involved grave national disputes, a number much greater than our opponents suppose, not as many however as some of our friends think from a glance at the list in the latest books. Quite a proportion of these so-called arbitrations were the merest computations of figures; they had no questions of principle to decide; they simply, so to speak, stated an account.

For some fifteen years I have been trying to impress upon the young men in the New York University Law School the importance of this matter of arbitration; and except that now and then a young student came to me for conference about it, I did not see much sign of progress. But this year, thanks to my beloved friend who is gone,—Dr. Abbott—in a class of one hundred and forty young men, forty-two wrote essays on international arbitration, and I had the great pleasure of seeing four of them receive at the hands of the Chancellor prizes for good work on the topic. This incident appears to be a little evidence of progress.

JUDGE EDMUNDS: Mr. Brainerd appears to think that the judges of this tribunal ought to be selected when the occasion arises, as being more likely to be acquainted with the subject. Under the Jay or the Ghent Treaty, to which he refers, the commissioners, as they were called, were selected at the moment of time when they were to act. And it turned out in the boundary instance that the British commissioners, through a greater knowledge of geography, succeeded in persuading the Americans that the mouth of the River St. Croix ran to the westward of the island of Grand Manan, and so it was agreed upon. And the result is that any vessel drawing more than ten feet of water, which leaves the city and harbor of Eastport, Maine, has to pass through British territory to get out to sea. I think you might risk a pre-appointed tribunal to know as much as that. (Laughter.) I now have the pleasure of introducing the HON. GEORGE S. HALE.

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#### ADDRESS OF HON. GEORGE S. HALE.

*Mr. President, and Brethren of the Conference,*—I am asked to speak upon the difficulties of a permanent tribunal of arbitration,

and to suggest, if I may, any means of meeting those difficulties. I am glad that it is recognized that there are difficulties. I should be very sorry to have a body of brilliant men and intelligent women expect to march through a fool's paradise like an army with banners, and to see the walls of Jericho fall before them at the sound of their trumpets. There are difficulties that must be met, not by the harmlessness of the dove, but by the wisdom of the serpent.

Some of those difficulties present themselves to the mind of us all, and we attempt to meet them by various means. Those which are in their nature most practical in their application to the proposed scheme, are those upon which I venture to dwell. The difficulties which are to be met by preaching, by prayer, by suggestion, by argument, — the hostility of those who desire to keep difficulties alive, and controversy open, — for such there are — the Sangrados — who believe that the body politic must have periodical blood-lettings by war, — I think we may leave to the weight of argument and discussion. The great obstacle which weighs upon my mind is the difficulty of persuading the Great Powers of the world to submit themselves in advance to the control of anybody upon everything. It is not to be expected, and I am not sure that it is to be desired. If I were to appeal to you individually, Mr. President, to ask whether you would agree to submit every controversy that should arise between you and your neighbors to the best of men, would you not say, "I cannot abandon my moral right of determination upon my duties or my legal or intellectual or social, inherent rights. I must reserve something for myself as between myself and my God to pass upon"? I do not believe you can expect any great power to enter into an agreement to submit to compulsion. I cannot but feel that there should be a modification, a limitation, another form of presenting your object to those who are to be persuaded.

I prefer the term conciliation. I prefer a court of conciliation to a court of final arbitrament. I prefer a court which shall appeal to the highest elements of our nature, to our trust in each other, to our trust in man, to our belief in the brotherhood of man. I believe in following — if I may intrude upon the province of my ecclesiastical brethren — what I think may be considered as the political injunctions of the Saviour. "Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone; if he shall hear thee, thou hast gained thy brother. But if he will not hear thee then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church; but if he neglect to hear the church, let him be unto thee as a heathen man and a publican." The first is negotiation, the second is conciliation; the third is the moral "boycott" of the world. "Let him be unto thee as a heathen man and a publican;" cast him out from the association of nations. That will be the punishment, that the compulsion.

Let me — since every man has a right to his plan — give you mine. I violate no confidence, I think, in saying that I ventured at the meeting at Washington of the Committee on Resolutions, to pro-

pose a modification of the resolutions adopted there ; and I believe that many of those who were present cordially agreed in the desire which I expressed. But they thought, no doubt, wisely, that it was not practical or judicious at the time to inject into a general form of resolutions, for which the unanimous acceptance of a large body was hoped, any distinctive or separate plan. Let me read you the resolution which I proposed, and let me allow myself, for fifteen minutes, some discussion of a plan founded upon the Scriptural injunction which I have stated to you :

*Resolved*, That it is expedient to combine with proposals for final arbitration an alternative or associated plan for courts of conciliation or conference, composed of equal numbers of representatives of each of the parties, to which they shall agree to present all material evidence within their knowledge and control bearing upon the subject in controversy and which shall recommend, without imposing any binding obligation on the parties, such action by either as in the opinion of such court or conference justice, equity and honor require, — or allowing such qualified submission to the permanent tribunal of arbitration if preferred.

I desire to propose an alternative, which consists in submitting to a tribunal which is accepted, in whose honor, in whose capacity, in whose knowledge of law, confidence is felt — in submitting to them, with a clean and open breast, all that either party can claim to rest upon. That done, can there be any doubt of the conclusion, or of the acceptance of that conclusion, or of the concurrence of the world in sustaining that conclusion?

Let me illustrate the value of such provision by the story, undoubtedly familiar to most of the lawyers here, which I may call “The Romance of the Maps.”

During the negotiations with Great Britain in regard to the North-eastern boundary, Mr. Jared Sparks communicated to Mr. Webster the fact that he had found, before the negotiations, in the archives of the French Government, a letter from Dr. Franklin referring to a map showing the boundary by a strong red line, and a map which might be the same, bearing upon it such a line, which sustained the contention of the British Government. Mr. Webster did not disclose it to the British Government. That Government were at liberty to apply to France for an opportunity to search their archives and at some time, apparently, their agent did find the map there. I know no difficulty which confronts the honorable lawyer greater than when he is possessed of evidence which his position has afforded him, injurious to his cause, which his duty to his client forbids him to disclose, and which, yet, the higher justice demands should be disclosed to the tribunal which is to determine upon them. I do not criticise the conduct of our Secretary. He did not disclose that map. The Treaty was made, the line fixed, the matter came up before the British Parliament for determination and the acceptance of those negotiations. The fact had been made public, and it was brought before them as an evidence of the manner in which Great Britain had been deprived of its rights, and of the injustice of the treaty which was to be adopted. Sir Robert Peel met that decla-

ration by informing the Parliament that in the library of George III. was another map with another line, endorsed, as Lord Brougham in the House of Lords asserted, in the King's handwriting, "Boundary as described by Mr. Oswald," conforming to the claim of the *American* Government. Richard Oswald was the British Peace Commissioner. One met the other. I am happy to say, in justice to our negotiators and our position that Mr. Justin Winsor contends that the first map which alarmed Mr. Sparks, was not the map to which Dr. Franklin referred, but a boundary designated by Vergennes for the purpose of supporting a claim of the French Government in case Canada came back to them.

I offer this as an illustration of the wisdom of the provision which I venture to propose, that these negotiating parties should enter into an agreement, not to be bound, not to be controlled, not to submit or waive those rights which they believe they have; but that they should honorably and like true-hearted men, seeking justice and not victory, disclose every particle of evidence that they have, and that then a tribunal should pass upon it. No government would dare to say that it desired anything but justice, no government would dare to say that justice could be better promoted than by the clear and uncontrolled and free disclosure of every particle of evidence within their power, bearing upon the controversy. And could we then expect that there would be any doubt of the finding of a body selected as such a court would be selected or of the acceptance, by the parties themselves and by the world, of the conclusions thus reached?

Therefore, it seems to me that the first step should be in accordance with the resolution which I have read to you, and which I propose to submit to the Business Committee of this Conference, to be recommended by you if it shall meet your approval. That the negotiating or contracting parties should submit all their evidence, and that while they should not be absolutely bound by the action of the Arbitrators, the result should be left to their sense of justice and to the *consensus bonorum omnium*, the consent of all the good, who would stand by, looking on and judging impartially.

Let me hope, in conclusion, that the compulsion to be exercised shall not be by the storm of conflict, the shocks and flames of war, but by the still voice of Divine Power and of the moral judgment of the world.

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#### ADDRESS OF JUDGE ROBERT EARL.

*Ladies and Gentlemen,*—We are substantially agreed, as I understand it, upon the fundamental idea that war should be obviated by resort to some peaceful method for the settlement of international disputes. We are all agreed, that there should be some international tribunal, to pass upon and to decide disputes that may arise between nations. We are substantially agreed, I think, that that tribunal should be permanent,—not that it should be at all times composed of members actually existing, but that it should be

constituted by law, by treaty, so that its powers may at any time be invoked. I recognize fully that there are great difficulties to be encountered in accomplishing the purpose which we have in hand, but I have an abiding confidence that those difficulties will be surmounted. I have perfect confidence that the Anglo-Saxon race can solve all the difficulties with which it may be confronted.

The first practical matter to which I will call your attention has reference to the questions to be submitted to this tribunal. Theoretically I agree with Mr. Garrett that there is no conceivable question arising between nations which could not be submitted to peaceful settlement. If we can submit questions which are subjects of doubt and controversy, we can certainly submit questions such as have been suggested by Senator Edmunds, of an unwarranted invasion of Canada or of Mexico, about which there could not be any doubt! But practically, I think it would be impossible to negotiate a treaty which would be ratified by the Senate of the United States, which provided in advance that all questions, of every conceivable kind, which might arise between nations should be submitted to the tribunal of which we are talking. Still the number of questions to be excluded need not be very great. I can hardly now call to mind a question, except one involving the national integrity, that could not with propriety be submitted. In our private relations, we agree in advance as citizens that everything involving our liberties, our honor, our character, our property, shall be submitted to the tribunals of our country, and they are decided to the entire satisfaction of the people and in the interests of the civilization of our age. Furthermore, where the practice of duelling prevails, it has always been customary to submit questions of honor involved on such occasions to the seconds, who have decided them. So I do not see anything in the nature of things which forbids the submission of a question of honor to any fair tribunal. Practically, we may have to limit the jurisdiction of the tribunal to comparatively few questions. But when the tribunal has been set up, it will not be long before all questions that may arise between the nations will be submitted to it. So that the practical difficulty can be solved, and easily solved, by agreeing to submit to such a tribunal a few questions, with the hope that in the near future its jurisdiction would be largely extended.

The next practical difficulty, which is more serious, is the constitution of this tribunal. I do not see any great difference between arbitration and a court. A permanent tribunal of arbitration can be set up just as easily as a permanent court, and it can be clothed with exactly the same attributes. It has been said here that there was difficulty in getting witnesses before arbitrators. In all the arbitrations that have ever taken place, I have never heard or read of any trouble in placing before the board of arbitration all the evidence essential for the decision of the case. It is said a board of arbitration cannot summon witnesses; how can an international court summon witnesses? You "can call spirits from the vasty deep." But will they come? Suppose a court sitting in London to issue a summons to some person in America as a witness, could he be com-



pelled to appear? Suppose the witness lived in Spain or in Holland, could he be made to appear? By what kind of process? If a tribunal were set up such as we have in mind, a federal law could be passed in this country authorizing evidence to be taken before a commissioner, or authorizing some member of the court to come here and take evidence. But suppose the evidence was to come from some country not a party to the treaty? But that is not a very serious difficulty, because the evidence in such controversies is generally easily accessible, and willingly produced, and the parties to the controversy usually have the power to give all the evidence which the case requires.

I do not think it is important to bother ourselves much about the name of the tribunal. If we set up this international court, by whatever name it may be called, it will be substantially an arbitration tribunal. You cannot give it many of the attributes of a court. As Dr. Hale described it, it would not be like any court existing in any land. A court which should announce in advance the rules of law which were to guide it in the decision of the cases which came before it, would not be a court such as we are familiar with. A court evolving law without any argument, without any concrete case to which the law is to be applied, would be against all the traditions of our race. If the Supreme Court of the United States should convene and announce the rules of law, over a large range of jurisprudence, by which it intended to be governed in the future, it would be swept out of existence by popular indignation.

Another difficulty confronting this tribunal is that of getting the states before it. I assume that in every dispute between nations, before a resort to the tribunal, there would be negotiation between the diplomatic agents of the countries, and if they failed to agree, then how would the states come before it? They can agree to do so; but suppose they do not agree? Then the court must be clothed with power, upon the application of one of the parties, to summon the other, and to give judgment by default if that other do not appear.

The suggestion just made, of the method of conciliation, is a new idea to me, but I have some doubts about it. If the controversy is to be submitted to a tribunal of conciliation, why not submit it at once to the tribunal of arbitration? They can conciliate, as courts frequently do. Even the high court to which I belonged sometimes made private suggestions to the parties that they had better settle the matter; and that is very common in the circuit courts. So a tribunal of arbitration can make suggestions to the nations, and can act as a tribunal of conciliation.

I am reminded that my time has expired and I must therefore leave unsaid some thoughts which I have in mind.

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## A WORKING PLAN FOR A PERMANENT INTERNATIONAL TRIBUNAL.

ADDRESS OF WALTER S. LOGAN.

*Mr. President, Ladies and Gentlemen,*—I think the time to

speak has passed and the time to act has come. It is a condition and not a theory that confronts us and what is wanted now is some practical solution of the problem of the peaceful determination of international disputes. We are all in accord as to the end to be attained. It is not necessary to picture further the horrors of war or the blessings of peace. The world has had its full experience of both and is in no doubt as to which to choose if it has the choice. It is true that you find now and then some one with an unfortunate disposition or a distempered mind who will assert that war is of itself a blessing and that racial decadence will be the result of the reign of universal peace. But the assertion is without facts or arguments to support it and utterly fails to carry conviction. The great mass of the people of all civilized nations agree that the world will be at its brightest and the race at its best when the sunshine of peace shall forever dispel the clouds of war.

The one thing that is left for us to do now is to find some method of accomplishing that which we all so much desire, which shall be practicable and just and which will, at the same time, commend itself to the varying interests of the civilized nations and peoples of the earth.

The New York State Bar Association at its Annual Meeting in January last made international arbitration one of its leading subjects for discussion, and, being, as we were, an association of lawyers, of men belonging to a profession which is required to crystallize ideas into practical facts and to bring forth our results in works rather than in faith, it was thought that the part that it became our organization to take in the great struggle for the disarmament of the world was to devise a practical working plan fitted to existing conditions and capable of being put into speedy operation and which should be a step *at once* in the direction of universal peace and might be fairly hoped *in the end* to bring us to that goal.

The committee appointed by the Association to formulate this plan consisted of ex-Judge William D. Veeder of Brooklyn, Chairman; Mr. Chauncey M. Depew, Prof. John B. Moore, Mr. W. Martin Jones, Mr. Sherman S. Rogers, Mr. John I. Gilbert, Mr. Charles A. Deshon, Mr. William H. Robertson, Mr. Edward G. Whitaker, Mr. Charles M. Davison, and Mr. Walter S. Logan, all of whom were lawyers and all, except the last, men of distinction in professional and political life.

The first question that this committee had to decide was whether our proposed plan should be confined to the English-speaking nations or whether it should cover the other leading civilized nations of the world. Upon this point we had a long and serious discussion and much difference of opinion and the question was finally carried to a special meeting of the Association itself called for that purpose in Albany on the 16th of April last.

We were confronted with the condition that there were in the world only two great nations of English-speaking people and we finally and reluctantly came to the conclusion that there could not be a permanent international court between two nations only.

It is easy enough to devise for two nations a scheme for the arbi-

tration of some single question or the settlement of some present difficulty. This is a thing we have already done frequently and to which the world has become quite accustomed. The usual plan is to choose a certain number of men, distinguished citizens of the two countries having the dispute, and then to select in some way an umpire, or umpires, from disinterested and impartial states. Such a tribunal is composed of a majority of partisans and a minority of impartial judges. It is well enough, perhaps, for the single occasion which gives it birth and arbitrations organized in this way have undoubtedly done their part, and an important part, in preserving the peace of the world. Yet they have not been entirely satisfactory. The arbitrators selected from among the citizens of the contending nations have almost always looked at the questions in controversy more or less through their own patriotic spectacles and have been often but too anxious to gain an advantage for their country, even at the expense of the general cause of justice; the umpire, however impartial he may have tried to be, has found himself surrounded by a partisan rather than a judicial environment; and the decree has not always been such as to commend itself to the judgment of the world and of history — witness the celebrated arbitrations between England and the United States which have been so often referred to in this Conference, the Fisheries Arbitration and the Alabama Claims Arbitration. In the first, England is generally believed to have obtained an award of at least four million dollars too much; and in the second, we received ten millions more than we could find claimants for on any rule of damages known to jurisprudence. It may be said that there was here a mutual counterbalancing of injustice; but two wrongs do not make a right and a tribunal composed of a majority of partisans is always likely to go wrong one way or the other and it cannot be denied that the prestige of the cause of international arbitration in both countries has suffered because of the unsatisfactory result of these two great arbitrations between England and the United States.

The New York State Bar Association came to the conclusion that no permanent international tribunal could be established, or would be satisfactory if established, unless it were composed entirely of disinterested and impartial judges. The partisan should be at the bar and not upon the bench and no practicable method has ever been suggested by which two nations like England and the United States could establish all by themselves a permanent tribunal from which their own citizens should be excluded. If we are to confine ourselves to England and America and to be satisfied with a partisan court and an impartial umpire, what step do we take in advance of the steps already taken? It has long been the custom of England and the United States to settle their controversies by arbitration. Our distinguished presiding officer has truly stated here to-day that the custom has become so well established that it may be deemed to be a principle of international law recognized by the two countries that all disputes which cannot be adjusted by negotiation must be determined by arbitration and that we must, whenever the occasion arises, devise some sort of a tribunal to decide the particular question in controversy.

Such a tribunal has always been a partisan tribunal; that is, a majority of the judges selected have been Englishmen and Americans, presumed to be in full sympathy with the claims of their own country and eager to defend their country's rights and protect her interests, with one or more umpires from disinterested nations supposed to be unbiassed on the controversy and impartial as between the parties. A permanent court of arbitration between the two countries alone must be organized in the same way. It must have a partisan majority with, at the best, only a minority of impartial men.

But a permanent partisan court is no better than a temporary partisan court. Indeed, it is not as good. Partisanship in a judicial tribunal grows by what it feeds on, and, so long as human nature continues as it is, a partisan court will be more partisan in the second case it hears than in the first, and its partisanship will constantly grow as time passes. Whatever of the true judicial spirit there may be at the beginning among the partisan members of the court will soon be lost and the judge will become blended in the patriot and partisan. If the decrees of such a tribunal become precedents, they will be partisan precedents, and partisanship instead of justice will come to be the basis of international jurisprudence.

To have a permanent court we must have an impartial court — a court altogether impartial — and such a court cannot be established by two nations alone. There is no impartial class from which they can select their judges.

It was for this reason that our Association came to the conclusion that any attempt to establish a permanent international court for English-speaking peoples only would of necessity be a failure, and we were driven to the alternative that any plan for a permanent court must be broad enough to take in all the leading civilized nations of the world, whatever might be their language or history or system of jurisprudence.

The plan which our committee recommended and which the Association presented to President Cleveland, provided for a court of nine judges, one from each of nine leading civilized nations. There was, of course, no special virtue in the number *nine*, except that nine is a convenient number of judges of which to constitute a court; but it might be five or seven or eleven or any number that necessity or convenience should dictate. An odd number is preferable because then there would never be a tie. It was thought that the impartial character of the tribunal should be emphasized by forbidding any judge from any nation to sit upon any controversy to which his nation was a party in interest. A controversy between England and the United States would therefore be heard before, and decided by, judges selected entirely from other nations and entirely disinterested and impartial. We proposed to emphasize the judicial aspect of the court by having its members selected by the highest tribunals of each nation and from among their own number. It would thus be a court selected from judges by judges and not from politicians by politicians.

It was proposed that when the nine judges — or whatever other number was fixed upon — were selected, they should meet together and organize the court; that the details of the organization should be left entirely in their hands; that they should sit wherever their preference or convenience might dictate, either permanently at one place or in different places, as they might desire; that they should formulate and adopt their own system of practice; that testimony should be taken under such regulations as they might prescribe; that arguments by counsel should be made either orally or in writing and in whatever language they might direct and that everything relating to the internal organization of the court and the methods of procedure, should be left to be fixed by its own rules.

It was provided that the salary of each judge should be paid by the nation by which he was appointed and that the other expenses of the court — which could not be very heavy — should be divided among the nations composing or using it in some fair and equitable way.

It was contemplated that, the tribunal being impartial and judicial, its decisions would gradually come to form a body of definite and well settled international law which would be recognized by the nations of the world as generally controlling, and that international disputes would come more and more to be settled by agreement in the light of such decisions without the formality of a reference to the court.

It is seen that such a tribunal could be constituted simply by the concurrent action of the executive and legislative branches of the several governments from which its judges would be selected. All that would be necessary to set the court going would be to select the judges, bring them together, and make provision for their compensation and the expenses of the court. The rest they would do for themselves. It was expected that there would be legislation by each nation, giving the tribunal while sitting in its territory the ordinary inherent authority of a court, the power to summon witnesses and punish for contempt, and insuring for its process proper respect.

A treaty would not be necessary for the institution of such a tribunal, or, if a treaty was deemed the most convenient method of instituting it, it need be simply a treaty providing that such a court shall be so instituted and that the several nations, parties to the treaty, would do their part toward the constitution of the tribunal, the payment of its expenses and the selection of the judges.

Treaties vesting the court with jurisdiction or giving it authority to decide all or any controversies between the treaty-making nations would naturally follow, but need not precede, the establishment of the court. One of the critics of our plan has described it as a plan for establishing a court to hang out a shingle as follows:

“This Great International Court is now open and ready for business. Controversies between Nations tried and decided at the cheapest rates and in the most approved manner.”

There is some point in the criticism. The critic's statement is terse and humorous but not altogether unfair. We propose to

establish the court first; to leave its jurisdiction and authority to be determined by the different nations as they come to see the impartiality of its organization, the fairness of its methods, and the benefits which would result from resorting to such means of deciding international disputes and that jurisdiction might be, and naturally would be at first, narrow and limited. We have been told often here at this Conference that nations are jealous and suspicious about agreeing in advance to submit their controversies to arbitration; that they wish to preserve as much as possible their own autonomy and their entire freedom of action. And so they are and do. But, sooner or later, nation after nation will come to see that their suspicions are without foundation and that the extreme liberty they desire is an evil rather than a blessing. Such a court, if it can be once established and recognized as a part of the judicial machinery of the world, will necessarily grow year by year, decade by decade, and century by century. It will grow as civilization grows and the tribunal itself will be a great factor in the growth of that civilization. It will grow as the means of communication between nations increase, as the globe-trotter is multiplied, as the people of the earth come to be nearer to one another in spirit as well as in time and to understand one another better. It will grow as humanity grows towards its final development and higher life.

The first great question that our race had to meet was how to settle individual quarrels, to avoid the necessity of recourse to the fist, the club and the sword when settling controversies with our neighbors. That question the race has solved. We have effected a practical disarmament of the individual. Life and property are tolerably secure throughout the civilized world and one can go where he will and do what he will without serious danger of injury at the hands of his fellowmen. We do not carry weapons when we go about our business or our pleasures or when we come to the Lake Mohonk Conference—because weapons are unnecessary. We can effect the disarmament of nations only in the same way, by providing some other method by which they can settle their disputes, and by making their present armament useless. When we came to the settling of private quarrels and the disarmament of the individual, it was found to be necessary for each man to give up some degree of liberty in order that he might have his compensation in a greater degree of security. The same thing is necessary with nations. In order that war may come to an end, each nation must give up the privilege of making war for itself in order that it may be protected against the evil effects of war waged by other nations.

In fashioning our plan for an international tribunal, we shall do well to follow methods which civilized nations and our Saxon race in particular have found to be so useful and effectual in the settlement of their private controversies. A quarrel is a quarrel whether it be between nations or individuals and the methods which the experience of the ages has shown to be the best for the settlement of private differences are equally applicable to the settlement of all differences, whether they be great or small and whether

they be between nations or individuals. The two features of a tribunal for the administration of justice which have been found to be most essential and upon which our Saxon race has built its jurisprudence, are the partisan advocate and the impartial judge. The one insures a careful and fearless presentation of each side of the controversy; the other an equally careful and fearless decision. Both are necessary, and equally necessary, to the administration of justice among individuals or among nations. The plan proposed by the New York State Bar Association provides for both — for a permanent court with impartial judges before which a trained bar of partisan advocates can be ever ready to present the causes of the nations. In the settlement of individual controversies, the impartial court has taken the place of the ancient duelling ground, and the lawyer with his brief the place of the champion with his lance and coat of mail. May not we who are here assembled to-day hope to live to see the time when the lawyer with his brief and the judge with his peaceful decision can also take the place of the armies of the world, and when nations, as well as individuals, shall cease to make war one against another?

For the reasons I have given, I think it is vain for us to devote our time and our protoplasm to the effort to establish a permanent international tribunal for the English-speaking race, that is, for England and America only; and that, if our work is to be crowned with success, it must be directed to the establishment of a court of which the other civilized nations of the earth shall be a part.

But, while it is not practicable to confine such a tribunal to our English-speaking peoples, to England and America alone, I believe that it is to the people who speak our language, to England and America, that the patriot and the lover of peace must look to take the lead in the establishment of such a tribunal for the civilized world. The petition of our New York State Bar Association was addressed to the President of the United States, but at the same time that we presented it to him we put ourselves in communication with the bar associations in England and asked them to present a similar petition to the government of Great Britain, and they have done it. Perhaps it would have been better to unite in presenting a joint petition to both governments, and perhaps we may do that yet.

For really it is our Saxon race that must take the lead in this as it is taking the lead in everything that pertains to civilization. The time has come when the two nations, England and America, the nations and the peoples that speak the English language, the best and noblest language ever spoken by the tongues of mortal men, should work together. I cannot agree with one of the distinguished speakers of this morning. I think language means much, very much, in the matter of national co-operation. I believe that the language spoken by us in common with our Saxon brethren on the isles across the sea should be recognized as the priceless heritage of both nations. A hundred years ago that language was spoken by less than 20,000,000 people in all the world. It is now spoken by more than 120,000,000. Then it stood fifth on the list of European languages in regard to the number of individuals that spoke it.

Spanish, French, German and Russian were all spoken by greater numbers than English. Now English heads the list with fully 50,000,000 to spare, and, at the present rate of increase, in fifty years, within the lives of some of us now present here to-day, it will be spoken by more people than all the rest put together, and the time is bound to come when it and the civilization it exemplifies will be the universal language and the universal civilization of the earth. It is the language of Shakespeare and Macaulay and Tennyson; of Longfellow and John Fiske and our dear brother in conference, Edward Everett Hale. It is the language of courage, of virility and of self-reliance; the language of the only race that laid the foundation of its greatness on the corner-stone of individual liberty and made every man the architect of his own destiny.

But it is not on a common language alone that we may rely as the basis for the united action of England and America. We have a common history, a common interest in the present, and a common hope for the future. It was our ancestors as well as yours, Mr. Pratt, Mr. Woodhead and Mr. Thomas, that followed Hermann, the great Saxon, when in the solitude of the German forest, he met the armies of Rome sent to enslave our common Saxon ancestors, and wiped them off the face of the earth, so that Augustus Cæsar, in the bitterness of his despair, was led to exclaim, "Oh, Varus, give me back my Legions!" It was our ancestors as well as yours that stood at Runnymede and wrested from the unwilling hands of King John the great charter of liberty of the Saxon race. It was your ancestors and ours together that drove back the Spanish Armada sent to enslave not simply England but the world. It was your ancestors and ours that fought at Marston Moor and Naseby; that dared, on the other side of the water, to cut off the head of an unworthy king who sought to destroy their liberties, and, on this side, to hide his judges when they fled to us for protection. It was our ancestors and yours together that, in the glorious year of 1688, followed William of Orange and helped him to establish the principle of representative government for all English-speaking peoples that ever were to be in all the world. It was your ancestors and ours that, at Blenheim on the Danube and at the Plains of Abraham on the St. Lawrence, won those decisive victories that gave the domination of the earth to the Saxon race. It is to your people and ours together that the world now looks for everything that is best in civilization and highest in all that makes life worth living. It is to your descendants and ours alike that will be committed the trust of the civilization of the future and the welfare of generations to come. Join with us now, then, in the effort to establish a permanent tribunal for the settlement of international disputes—as we have already together established a permanent jurisprudence for the settlement of private quarrels—which shall be as broad as our civilization and as enduring as time, and let it be, not England *or* America, but England *and* America, that declare for universal peace throughout all the earth and a greater and better and higher civilization for all mankind.



## ADDRESS OF GEN. A. C. BARNES.

*Mr. President, Ladies and Gentlemen,*—A very wise man and true American, named Benjamin Franklin, wrote and printed on his little press a brochure entitled *Poor Richard's Almanac*, “full of wise saws and modern instances,” in which a certain gem runs thus: “There never was a good war, there never was a bad peace.” Surely we should know how to choose, notwithstanding Mr. Brainerd, between conditions representing, as these do, the happiness or the misery of mankind. But it seems to me that we have reached an intermediate place, a purgatory as it were, in which we must exist before we can realize our ideals. The conditions surrounding us are those in which we must live, at least, for a number of years. And my thought has been that pending the general agreement of the nations so ably advocated here, and in which I heartily concur, our best guarantee of present peace is thorough preparation for war. The perfection of armaments is in itself an assurance that they will not be needed. Men will not go forth to certain death or certain defeat, and rather than encounter either they will search diligently for some other means to settle their difficulties.

The rapid advance that has been made during recent years in the production of impenetrable armor and irresistible artillery has brought forward appreciably the millennium. To illustrate this: I was recently much impressed by a visit to the latest of our warships, the *Indiana*. She is a marvel, an astonishment to those not familiar with the progress that has been made in naval architecture and equipment. She is rather a floating castle than a ship, and apparently invulnerable from martello tower to dungeon keep. She carries, I think, fifty-six guns, four of which are forty feet in length, and throw a shell thirteen miles. Such a vessel could stand out at sea if controlled by a hostile power, and throw shells into the city of New York without the necessity of passing any of our fortifications. Grim old Cromwell is said to have inscribed upon his cannon the words, “Open thou our lips, O Lord, and our mouths shall show forth thy praise.” Are not the monster guns of the *Indiana* entitled as well to bear an inscription? The text that I would suggest for them is, “Blessed are the peacemakers.” For substantial arguments I think those they would offer would be superior to those of Mr. Pratt or Mr. Love or any of the most revered apostles of the gospel of peace.

On that great ship it is highly improbable, for these very reasons, that the crew will ever be called to quarters for action. But all the same the prodigious sum expended upon the vessel is by no means thrown away. For wherever she rears her majestic front the settlement of differences by arbitration will be exceedingly popular. And every true patriot, with such a noble backing, may accept gracefully Cardinal Wolsey's advice:

“Still in thy right hand carry gentle peace ;—  
To silence envious tongues be just and fear not !  
Let all the ends thou aim'st at be thy country's,  
Thy God's, and truth's.”

PROF. ALONZO WILLIAMS of Providence, R. I., was invited to address the Conference, but excused himself in a brilliant but brief address.

GEN. AUGUSTUS GAYLORD of New York also asked to be counted as in hearty accord with the purpose of the Conference, but declined to speak at any length.

The next gentleman introduced was REV. CHARLES F. DOLE of Jamaica Plain, Mass.

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### ADDRESS OF REV. CHARLES F. DOLE.

We have heard enough now, certainly, to temper somewhat our optimism, and to bring to our view some of the great difficulties of the subject with which we have to deal. But it seems to me that we may rule out one serious objection. It may appear to many of us possible or desirable to conceive of some perfect and absolute scheme that will be sure to put an end to all war, at least between the United States and Great Britain. From all we know of history and philosophy, we may as well admit the impossibility of any such absolute scheme. We never do get absolute schemes. We must get something which is reasonably practicable, which does not pretend to be absolute. Let us not, then, compare this scheme and that scheme, as if it were expected to attain some absolute rule of perfection; but let us simply compare any scheme whatever that we may agree upon, allowing for all its imperfections, with the opposite alternative, namely, the method of war. Is it not obvious that any system, even though it may not always succeed in preventing war, is yet thoroughly worth trying, as against the method of violence?

The fact is that the key to the whole situation is in the word *trust*. I think that there is a little danger of missing the point by our thought of the usual courts and their traditions. They do not stand for the spirit of trust, but for the opposite doctrine of suspicion. They are means by which suspicious men guard themselves against evil. Our tribunal of arbitration or conciliation proceeds entirely on the doctrine of trust. We are coming to regard our safest defence, not in big guns, but in treating one another as neighbors and brothers. Whatever system of court or tribunal we undertake, we go practically to our fellow-men and say, "We propose to treat you as friends and brothers, on the side of our humanity. We believe that if we do justice, if we have a good intent towards you, you will reply with good intent and goodwill towards us." I wish very earnestly to endorse what Mr. Hale has said, because his plan proceeds altogether on this doctrine of trust. We should say, "We are perfectly ready to appeal all matters whatsoever to our Board of Conciliation. We will not treat you with suspicion and hold back any subject whatever; we are ready to bring any possible subject of difference between us and Great Britain before this court." And

when we have said that, which alone would be impracticable, we go further and say, "We trust, using no show of violence and no intimidation, that whatever this court may decide, you are willing, as we are willing, to abide by it. We still treat you on the principle of brotherhood, of goodwill." In other words, we depend entirely on the moral effect of a decision upon the nations involved. At least we know that such an appeal, with simple goodwill to guide it, would give us the necessary time wherein public opinion would be brought to bear against war.

All this may seem somewhat visionary, and will seem much more so, when we come down from this mountain. But the great lesson of this generation has been the lesson that the ideal things are the practical things. That was the great lesson of the Civil War; it has been brought to us, in numberless instances, in very beautiful private lives; it is brought to us in this very hotel where the ideal is combined with practical success. The great lesson of the century, which we are very slowly learning, is to trust. If we do believe in the good things, if we do believe that this is God's world, if we believe that we are in any true sense to be called God's children, we at least who are going to be leaders of public opinion must entirely go over to the side of trust and goodwill. We must not one day treat our neighbors on the side of suspicion and the next day talk about treating them on the side of goodwill; we must try to treat them altogether on the side of goodwill. What else are we here for? If we believe that it is God's world, let us live as though it were God's world. If we believe that we are God's children, let us try utterly and thoroughly to live like God's children. This is the key to the answer to all these questions,—to live on the side of goodwill, to trust our trust. Is not this faith in God? (Applause.)

MR. JOSHUA L. BAILY of Philadelphia was invited to speak, but only expressed in a few words his agreement with the spirit and motive of the Conference.

MR. PRATT: I should like to remind those assembled here that we have the critical task of converting the outside world. We must take full account of the prejudices and limitations of the unconverted in regard to the great aim which we have in view.

One of the objections made to an organized permanent system of international arbitration arises out of an apprehension that a state which commits itself, in advance, to refer its disputes to a tribunal may thereby imperil its national sovereignty and independence;—which should be safeguarded. Therefore I venture to think that when public declarations are made in favor of this principle, they should be accompanied by assurances which should give confidence to the outside world in regard to this point.

I wish to call attention to another matter, especially the attention of the committee of the New York Bar Association, which has drawn up a scheme for a tribunal. We have perhaps, in Europe and America, too many such schemes, and the world at large may be confused by the multitude of proposals that are brought before

them. Now it is important to note that the latest and perhaps the most authoritative of these projects, based to some extent on all the others, is that unanimously adopted by parliamentary representatives of no less than fourteen European States. This scheme, approved at the meeting of the Interparliamentary Union at Brussels last year, was prepared by a Commission specially appointed by the Union in 1894; and I venture to think that many clauses in this project are well calculated to remove the prejudices and suspicions which are found in the outside world. The scheme is as follows:

## PLAN FOR A PERMANENT COURT OF INTERNATIONAL ARBITRATION.

Adopted by the Interparliamentary Peace Conference held at Brussels in  
September, 1895.

1. The high contracting parties constitute a Permanent Court of International Arbitration to take cognizance of differences which they shall submit to its decision.

In cases in which a difference shall arise between two or more of them, the parties shall decide whether the contest is of a nature to be brought before the Court, under the obligations which they have contracted by treaty.

2. The Court shall sit at . . . . . Its seat may be transferred to another place by the decision of a majority of the adhering powers.

The government of the state in which the Court is sitting, guarantees its safety as well as the freedom of its discussions and decisions.

3. Each signatory or adhering government shall name two members of the Court.

Nevertheless, two or more governments may unite in designating two members in common.

The members of the Court shall be appointed for a period of five years and their powers may be renewed.

4. The support and compensation of the members of the Court shall be defrayed by the state which names them.

The expenses of the Court shall be shared equally by the adhering states.

5. The Court shall elect from its members a president and a vice-president for a period of a year. The president is not eligible for re-election after a period of five years. The vice-president shall take the place of the president in all cases in which the latter is unable to act.

The Court shall appoint its clerk and determine the number of employees which it deems necessary.

The clerk shall reside at the seat of the Court and have charge of its archives.

6. The parties may, by common accord, lay their suit directly before the Court.

7. The Court is invested with jurisdiction by means of a notification given to the clerk, by the parties, of their intention to submit their difference to the Court.

The clerk shall bring the notification at once to the knowledge of the president.

If the parties have not availed themselves of their privilege of bringing this suit directly before the Court, the president shall designate two members who shall constitute a tribunal to act in the first instance.

On the request of one of the parties, the members called to constitute this tribunal shall be designated by the Court itself.

The members named by the states that are parties to the suit shall not be a part of the tribunal.

The members designated to sit cannot refuse to do so.

8. The form of the submission shall be determined by the disputing governments, and, in case they are unable to agree, by the tribunal, or, when there is occasion for it by the Court.

There may also be formulated a counter case.

9. The judgment shall disclose the reasons on which it is based, and it shall be pronounced within a period of two months after the closure of the discussion. It shall be notified to the parties by the clerk.

10. Each party has the right to interpose an appeal within three months after the notification of the judgment.

The appeal shall be brought before the Court. The members named by the states concerned in the litigation, and those who formed part of the tribunal, cannot sit in the appeal.

The case shall proceed as in the first instance. The judgment of the Court shall be definite. It shall not be attacked by any means whatsoever.

11. The execution of the decisions of the Court is committed to the honor and good faith of the litigating states.

The Court shall make a proper application of the agreements of parties who, in an arbitration, have given it the means of attaching a pacific sanction to its decisions.

12. The nominations prescribed by Article 3 shall be made within six months from the exchange of the ratifications of the convention. They shall be brought by diplomatic channels to the knowledge of the adhering powers.

The Court shall assemble and fully organize one month after the expiration of that period, whatever may be the number of its members. It shall proceed to the election of a president, of a vice-president and of a clerk, as well as to the formulation of rules for its interior regulation.

13. The contracting parties shall formulate the organic law of the Court. It shall be an integral part of the convention.

14. States which have not taken part in the convention may adhere to it in the ordinary way.

Their adhesion shall be notified to the government of the country in which the Court sits and by that to the other adhering governments.

MR. PAINE reported for the Auditing Committee that they had examined the account of the treasurer, and found it correct. On motion the report was accepted and placed on file.

On motion of Mr. Paine, it was voted to authorize the Business Committee to print and circulate the Report of the Proceedings of the Conference. On motion of General Wilson, it was voted that five thousand or more copies be printed.

It was voted, on motion of Mr. Matthew Hale, that the treasurer shall, if the funds in his hands be sufficient, defray the expenses of mailing these reports as well as of printing them.

MR. SMILEY: In a California paper I saw strong objections raised to any system of arbitration, for three reasons. First, that the time is not far distant when we want to seize Canada, and if we have a treaty of arbitration we cannot do it. Second, that we want to get Cuba, and could not get that by arbitration. The third point was that we want to get the Nicaragua Canal, in violation of our treaty with England not to take exclusive control of it. Those are a fair sample of the objections which are proposed. This country, if it is going into the business of arbitration, must make up its mind to do justly in its dealings with nations.

JUDGE EDMUNDS: The Chair overrules the two first objections that are proposed as to arbitration. As to the Nicaragua Canal, the Chair must tell his valued and respected friend that there is no treaty in force between the United States and Great Britain. Great Britain herself long since departed from her obligation in that treaty, and she has been told so by our Secretary of State. Whatever her wish may be, she perfectly understands our position.

DR. GALLAUDET: I feel that this Conference has made great progress in the object for which we are assembled; that we have had great light poured in on the subjects in hand, and that we are likely to reach a conclusion that will reflect credit upon the Conference, upon its founder, and upon the cause. Now the question is, How shall we best accomplish results?

It has seemed to my mind that the only safe thing we can do would be to urge the adoption, by the executive branch of our government, of a definite policy in its dealings with Great Britain. To bring forward a plan for a permanent court would be premature; we should be proposing that which could not be immediately adopted, and which might be relegated to some distant future. I have formulated a resolution which I would ask may be referred to the Business Committee for its consideration:

*Resolved*, That the Standing Committee of this Conference be authorized, in the name of the Conference, to urge upon the President of the United States the desirableness of securing, at the earliest possible day, the conclusion of a treaty with the government of the United Kingdom of Great Britain and Ireland, committing that government and the government of the United States to a settled

policy of arbitrating differences between the two governments, within the widest practicable range.

It seems to me that this leaves the matter in a shape to be acted upon. Such a treaty could be secured within a few months. And it would commit our two governments to a policy which they have sustained during the century, with but two or three exceptions. And the *modus vivendi*, whether a court or separate arbitrations, would be a matter for future consideration.

MR. PIERCE: The discussion has brought out two points on which I should like to remark briefly. The first relates to the subjects which are to be excluded from the sphere of a system of arbitration; and among these may be mentioned controversies between a government and a rebellion. Here our own recent history furnishes an illustration. Early in 1863 the French Emperor formally offered to mediate between the United States and the Confederates. The offer was firmly rejected by President Lincoln and Mr. Seward; but in order to prevent a renewal of such offers, which were deemed an encouragement to the rebellion, Congress, in the most authoritative way, by formal resolutions drawn by Mr. Sumner, pronounced foreign mediation unreasonable and inadmissible in domestic troubles, and declared that any such proposition would hereafter be regarded as "an unfriendly act," a phrase which in diplomacy is very significant. The resolutions further announced the purpose of the United States to prosecute the war until the rebellion was overcome, and reverently invoked on their cause the blessing of Almighty God. These resolutions passed both Houses by large majorities; and thereafter no foreign interference was attempted.

The second point, to which I desire to call attention, is the change which has taken place in the treatment of the peace question during the last half century. Formerly, the advocates of peace maintained that all wars were unjust and wicked. Few now hazard so sweeping a statement. The change has come about largely from the fact that while wars were entered upon in former days almost wholly to found or support dynasties or extend empire, they have been in our day, in some marked instances, the means of promoting freedom and human progress. Our civil war overthrew slavery, a result which, it does not seem possible, could have been reached by peaceful means. Three recent wars have emancipated Italy and unified Germany. The exigencies of modern society have also revealed the need of a trained military force for the support of the civil authority in times of riot and disorder. Such beneficent results have modified opinions. Mr. Smiley has told you that he no longer holds the extreme view that all wars are wicked. John Bright, another Quaker, once said to me, "If ever a war in all history was just, it was your civil war," an admission that it was indeed just on the side of the government. The late Dr. Francis Wayland, my venerated teacher, published his treatise on "Moral Science" in 1835. His concluding chapter was upon war, in which he declared that "it would seem that all wars are contrary to the revealed will of God, and that the individual has no right to commit to

society, nor society to government, the power to declare war." The author lived to bid God-speed to our soldiers and to see the end of our civil war. The last summer of his life he committed to the press a new edition of his treatise which appeared a few days after his death in September, 1865. For that revision he rewrote entirely his chapter on war, omitting the passage I have cited and instead asserting the right of nations as of individuals to repel force by force in extreme cases. One other illustration of a change of opinion I may be permitted to give: Charles Sumner's oration in 1845 on "The Grandeur of Nations" first brought him to public attention and opened to him his distinguished career. In that effort he began with the affirmation "in our age there can be no peace that is not honorable; there can be no war that is not dishonorable." He lived to bear his part in our civil war and to support the government in its sternest measures for the suppression of the rebellion. He lived too to see Italy, a country he loved, free from a foreign usurper; and like Wayland he revised late in life the expressions of earlier years. In 1869, when printing his speeches in a permanent and revised form, he inquired only "Can there be in our age any peace that is not honorable, any war that is not dishonorable?"—thus putting interrogatively only what he had once declared affirmatively. Such changes as Wayland and Sumner made in their earlier affirmations indicate the course of modern thought until now when nearly all the members of this Conference recognize the necessity of war under possible circumstances while we are of one mind on the question of making it the last necessity, and perhaps a necessity never to occur again.

JUDGE EDMUNDS: The Chair thinks Mr. Pierce has stated the case in its most concrete form.

DR. MOWRY: We may imagine civil government to have arisen from the family. At first a patriarchal system, which gives origin to tribes; then petty kingdoms, and then larger kingdoms and great empires. The leading idea of all these is militarism. A government was measured by its power to defend itself from marauding tribes or to assail others. But in process of time a second element grew up, which we might call the police element, and government was seen to be for the protection of the citizens from wrong-doers in their own number. The work of that department of government increased as the race became enlightened and civilized and the work of the military diminished.

The third era in the history of civil government has evolved an entirely new idea in government. It differs entirely from the dominant idea of the first epoch, — military power, — and is equally opposite to the general thought of the second period, — police force.

This idea is not negative, repressive, dealing with *wrong-doing*, but it is positive, aggressive, and deals with the *general welfare*. This idea was early embodied in the establishment of the postal system. When the government of a nation in those early days established a system of post offices and post routes and post riders to



facilitate intercourse and communication between different parts of the country, it set in position an entering wedge and struck the first blow upon it. From that day to this the governments of the world have been turning their attention more and more to positive action looking towards the public good. That important clause in the preamble to our United States Constitution which "provides for the *general welfare*" is very significant and suggestive. See what has already been done. Observe the lighthouses, life-saving stations, river and harbor improvements, Department of Indian Affairs, Weather Bureau, Bureau of Education, and a dozen other bureaus and methods for the comfort and improvement and elevation of the people of the country. To-day national governments, while still keeping up the military arm, and having still prominent the police force, which must necessarily remain prominent, is, perhaps I may say *principally*, employed in positive measures for the public good. Government to-day is a great body politic, aggressively doing whatever the public good requires, which is not likely to be fairly well done by private enterprise.

Thus it appears evident that the province of government is constantly growing less military, and that its legitimate work is becoming more and more — not parental — but active in promoting the uplift of humanity.

The Conference adjourned at 1 P. M.

## Fourth Session.

Thursday Evening, June 4.

The Conference was called to order by the President at 7:45.

JUDGE EDMUNDS: *Ladies and Gentlemen*,—The first duty of the evening is in some sense a sad one, and in another it is a pleasant one. Sad in the recollection of the loss that society and the country have suffered in the death of the late Mr. Abbott, and pleasant in the sense that we are glad to render tribute to his memory,—a tribute which shall be, as we remember his earnest and valuable career, an inspiration to all of us, to endeavor, as best we may, to imitate the good example that he left behind him for us to follow. I have to ask the Reverend Dr. Hale to open the proceedings.

REV. EDWARD E. HALE, for the committee, presented the following resolutions, adding a word as to his own sense of personal loss in the death of one upon whom he had relied as absolute authority on any subject on which he was willing to give his opinion:

In the death of Dr. Austin Abbott the Conference has lost a friend and counsellor in whom we placed implicit confidence. The Indian Conference and other associations, devoted to the public service, have relied upon his clear sight, his freedom from prejudice, his knowledge of law and his practical sagacity. When he led us, we knew we were not striving for what is unattainable; and we knew that we were never sacrificing the truth, for the bribe of something which could be gained without effort.

It is more than thirty years since he was first known to the legal profession, as a diligent and accurate reporter, and afterwards he was generally read and respected as a writer of law books. He has been prominent as a lawyer and law writer and teacher of law, and has rendered distinguished service to sound jurisprudence. But his work has not been confined even within the wide range of such professional duty. He could be relied upon for assistance in all good works. His scholarly attainment made him an ornament in any circle which he entered; and every organization for the good of man in which he enrolled himself came to rely upon his sound judgment and his energetic decision.

His unexpected death comes at a moment when we thought we needed him most. We must do our best to carry our work forward with the loyalty, the diligence, the courage and faith with which he would have led us.

The Conference asks the secretary to express to the members of his family our sense of a common loss.

Respectfully submitted by

EDWARD E. HALE,  
ROBERT EARL.

Upon these resolutions, MR. WILLIAM ALLEN BUTLER of New York spoke as follows:

*Mr. President, Ladies and Gentlemen*,—It is most fitting

that we should pause for a few minutes in the proceedings of this Conference to commemorate one identified with its history from its commencement, and most active and efficient in forwarding the objects for which it exists. The just and discriminating minute which has been offered by the committee appointed for that purpose would, of itself, furnish me with a proper theme for a tribute to the memory of Austin Abbott. In addition to this, my connection with him in the work which he was successfully carrying on in the New York University Law School, of which he took charge a few years ago and which he has raised to a position which it never was able to attain before and which assures, I think, its permanent success, — this relation in which I have known his work, its characteristics and its value, will enable me to speak with still more accuracy, as it will with still more feeling, in respect to the associate whose loss we mourn.

The name of Austin Abbott is familiar to all those members of the Conference who met here last year, when they had the advantage of his presence and of his wise counsels. It is not unfamiliar to those other citizens, throughout the country, who, in Church or State, are laboring for the public good; while to the profession throughout the United States, it stands for whatever is most necessary, most accurate, most indispensable in all those aids which long research, careful analysis, and a correct presentation of their ascertained results, are able to bring to the service of the bench and of the bar. The Digests compiled under the care and supervision and by the personal labor of Dr. Abbott, both State and National, his series of Reports, his books of practice, would make a library by themselves. As the minute states, for some thirty years he pursued, along with the general practice of the law, this special line of investigation and research, for which he was most admirably fitted — no man ever more so. By inheritance, by paternal example, by the associations of his youth, by the education he received, by the natural bent of an acute and active mind and an extraordinary clearness of perception, he was qualified to enter upon that course of labor which he so successfully pursued. He rather turned aside in his professional career from much which was, in comparison, perhaps more lucrative, perhaps more certain of popular sympathy and reward; he was not amongst the foremost advocates before juries, or amongst those who devote themselves to the argument of cases in the higher courts as a matter of regular practice. He preferred to choose the distinctive line of a jurist, and to apply himself to those cases of interest and magnitude which related themselves to his chosen work, rather than to engage in the general and more active practice of the law. For example, in the case of Guiteau, who was tried for the assassination of President Garfield, he aided the government in his patient and exhaustive analysis of the whole law in reference to insanity as a defence against an accusation of crime. And in other important ways he thus served the profession. But it was in respect of his work as an author that he excelled, and it is his contributions to the literature of the law, and to jurisprudence, upon which his fame will chiefly rest.

He was an example of the strictest integrity in the practice of his profession; a man whose standard was of the highest, faithful to the trust assumed by every true lawyer in reference to his client, to the community, and to himself, a trust to be executed not upon the basis of prejudice, or sentiment, or sympathy, or even individual opinion. It is related of Sir Matthew Hale that when he first came to the bar he determined that he would take no case the justice of which did not commend itself to his mind and conscience. But he said that after he had practised for some time he found so many cases in which the facts, when they came to be known, the cause, when it came to be sifted, showed that what he thought was right turned out to be wrong, or what he had supposed to be wrong proved in the end to be right, that he changed his views and adopted the wise and safe, and, I believe, the only sure rule, which separates the duties of the advocate and the lawyer from those of the judge, and puts the responsibility upon the judiciary of rendering judgment after the parties to the controversy, be they public or private, have had the benefit of every investigation of fact and the application of every rule of law pertinent to the subject.

Austin Abbott was beloved by his profession,— something that it is truly grateful to say over the grave of a departed associate. For, besides his great love of study and investigation, he was a man of most buoyant and cheerful temper, with all that fine, keen sense of humor which is the balance-wheel of the faculties, maintaining what is so often the easily-disturbed equilibrium between the sterner and severer portions of our lives and their brighter and more human side.

He delighted in Nature, and in friendship. He was a true man. And he added to all these, with other traits upon which it would be pleasant to dwell, a most marked characteristic, his untiring, indefatigable, unsurpassed industry. Work with him was a passion. The labor he delighted in was not so much a physic for pain; it was rather the exhilarating stimulant of his whole being. He faced without fear that hard condition which confronts every man, in whatever calling, who sets before himself a goal of achievement, that he must so run as to obtain. I was not at all surprised when, a few days ago, a business man, not a professional man, but associated with Austin Abbott during many years, rather in church work than in secular pursuits, said to me, "He always seemed to me like a racer," so eager and alert was he always for the course of duty. It was in this spirit that he worked, and worked till the too early end.

I do not know that any greater commendation for his industry belongs to a man in our profession, Mr. Chairman, than to an honest toiler in any other department of human activities; but it certainly has this special attribute that it calls for the exercise of the highest intellectual gifts in reference to the most vital affairs of men. The law is the application of the principles of justice to the affairs of mankind. And it was in that sense and in that view of it that Austin Abbott worked. And what is most noteworthy is not that his work commended him to his profession and to society, but that

it overflowed into other channels of usefulness and beneficent activity. I believe that this is one of the present rewards of true labor in a professional calling: "To him that hath shall be given"; to him that has the eager desire to fulfil the conditions of his calling to the utmost of his ability is given the opportunity beyond his calling, but not inconsistent with it, of doing good upon a larger scale. And so it was that Austin Abbott, naturally as I think, advanced from the lawyer and the practitioner and the writer of books to the educator of young men in legal science. So his sympathies came into touch with whatever in the wide circle of human interests, especially in his own beloved land, brought home to him the call to duty and to service.

Recalling his presence at the last Conference, do not let us forget one weighty observation which I find in his closing speech, as recorded in the minutes. He said, "If you want, thirty years hence, to have permanent arbitration and a permanent tribunal, *educate the children*. What is needed is that the children of the common schools should be taught the principles upon which this great object which we are seeking should rest, and that the young men in our colleges should have the same instruction."

Mr. Chairman and friends, in one aspect of it this finished life, so useful, so noble, is only a retrospect and a memory.

"Like mournful light  
That broods above the fallen sun,  
And dwells in heaven half the night,"

his memory remains with us; but it will soon pass into gloom with ourselves. But in another aspect, it is an impulse, an incentive, and an inspiration. The workman falls, but the work goes on and the work survives. As in the old cathedrals and cloisters there are not only the echoes and reverberations which follow our footsteps as they followed the tread of those who went before, there are also all around, the chiselled and traced memorials of those who reared the structure. So it is in such a structure as that which we are trying to build. It will be inwrought with many memories, and better than that, with the strength and beauty of the work contributed by those who have aided and shall aid it. And in respect to Austin Abbott, is it not true that not only in the rewards of a better world, but in the tender memories that survive, in the assured place he will hold in our jurisprudence, and in the lives of young men, into which he has infused so much by his example and so much by his precepts,—there will be fulfilled the scripture, "Be thou faithful unto death, and I will give thee a crown of life."

At the close of Mr. Butler's tribute, the report of the committee was unanimously adopted, and ordered to be entered on the minutes of the Conference, the Secretary being instructed to send a copy of the resolutions to the family of Dr. Abbott.

The regular proceedings of the Conference were then resumed by an address from MR. HODGSON PRATT:

## REPORT FROM THE CONTINENT OF EUROPE.

BY MR. HODGSON PRATT.

*Ladies and Gentlemen,*—It is very natural that we should be mainly preoccupied with the international relations of the two branches of the great Anglo-Saxon family. But I beg you not to forget that there are other parts of the world which need our help; and that if you take up a globe you will find occupying a considerable space, a territory called Europe. During the fifteen years that I have been chairman of the International Arbitration Association of Great Britain, my attention has naturally been much occupied with the existing state of things on the continent of Europe, and I hope that you will not be altogether uninterested in hearing what is being done in that unfortunate part of the world. England, alas! is attached to Europe by locality, rather than to the happy country in which we now are. I wished, when I heard the description given this morning of that great ship-of-war, that it could be employed, not in bombarding peaceful cities, but in towing the island of Great Britain to these happy shores. (Laughter and applause.)

We must not forget, however, the great principle of the solidarity of nations. We are all members of one great family, under God's fatherhood; and all these branches of the human family have their own special qualities to bring to the common stock of human progress. We ought all to recognize that; and not to speak contemptuously of any group of God's children called a nation. Though the establishment of peace is a great aim, there is still a farther aim which can be secured by peace alone,—namely international unity and co-operation. And if we recognize that all nations of the earth are groups of one great family, born to assist each other and to aid each other's progress in the world, then the idea of international co-operation becomes a true and noble principle to work for.

I may now, in a very few words, state why the Association which I represent was formed. There had been for many years two valuable societies, working for the general aim of peace and arbitration; but we were of opinion that those societies too exclusively addressed themselves to the English people. We thought that in order to secure our aim, we ought to put ourselves into communication with men in all other countries who were working for the same general purpose. We saw that misstatements and misrepresentations relating to controversies which arise between nations create great danger. We thought it was insufficient to preach merely the principles of peace and the necessity of arbitration; we thought it necessary to create an agency which would deal with all the causes, direct and indirect, which lead to international alienation, distrust and hatred.

I do not use too strong language, I think, when I use those words. The condition of things on the Continent, since we have taken the subject into consideration, appears to me to be not only dangerous to peace, but to be a grave moral injury to the cause of man, an evil with which all who recognize the purpose of God in humanity should endeavor to deal.

Starting with that principle, our committee undertook at once to put itself into communication with other men who were united to us by the great desire of international unity and concord. We commenced by paying visits to France, Germany, Italy, Belgium and Austria, for the purpose of ascertaining whether we could not find men who accepted these ideas, and, accepting them, would be willing to form throughout Europe committees or societies, all in communication, for the purpose of general co-operation in stopping the circulation of false statements calculated to lead to enmity and perhaps to war.

The field was somewhat new, and at first there were great obstacles in the way. Naturally, France, our near neighbor, was the first scene of our operations; and I may say that grand ideals always find an echo in some French hearts. We held numerous meetings at Paris, Lyons, Nîmes, Montpellier, and other cities. At Nîmes we found a band of courageous young men called "The Young Friends of Peace," who had brought upon themselves great unpopularity by forming such a society. It was said,—it is said much less now,—that it was utterly unpatriotic to engage in a work of this kind on the part of young men who ought to be attending to their military duties, under the system of conscription.

At all these meetings we were told, "If you want peace go to Germany. She is the source of all the danger and alienation which exist in Europe." So we went to Germany, and I visited several of her cities in three successive years, and was allowed on the last occasion to hold my meeting in the large committee room of the German Parliament House. It was not without difficulty; it was not without going for many days from house to house, and often being refused admission. Similar meetings were held, three years successively, in Darmstadt, in Carlsruhe, in Frankfort several times. But in Germany they always said, "Why do you not go to those French people? We are the most peaceful nation in the world."

Then the Freemasons of Milan invited me there, where I had a warm reception, and an excellent society was formed, now one of the strongest societies in Italy. Its president, Signor Moneta, is the editor of a great and influential paper, *il Secolo*. I visited at other times Florence, Rome and Genoa; and the Italians, a people easily aroused by great ideals, readily took up the movement,—the more so as they are nearly ruined by the poverty, debt and misery arising out of the maintenance of great armies, for which their national resources are inadequate while they engage in military adventures which are inexplicable.

Although, at first, efforts to create a Peace propaganda in Germany were most unpromising, for everybody said it was unpatriotic even to talk of such a thing; yet, during the last three years, the movement has taken hold of the German people in a most remarkable manner, and hardly two months pass but we hear of some new society being formed in the German cities. The central Society at Berlin, which has branches in other parts of Germany, has become really the headquarters of a valuable propaganda. Men who are by no means young, and who have their business to attend to, have

taken up at their own expense most active and fruitful work. The Germans may be slow to accept new political ideas, but when they undertake any work they do it thoroughly.

Then the movement spread to Austria; and, fortunately, the Baroness Von Suttner, a lady of high rank, of great genius, noble eloquence, and kind heart, embraced this glorious humanitarian cause. She wrote a book which produced an immense sensation throughout Germany and Austria, and which has been translated into English by the vice-chairman of our Association, Mr. Holmes.

The military class in Germany were much excited by the appearance of this book. It is a story founded upon facts which the Baroness knew intimately, and is connected with the war of 1866 between Germany and Austria. She edits also a monthly Review, having the same title as her book, "*Die Waffen Nieder*" (Down with Arms). So, on the whole, we may speak with the utmost satisfaction as to the steady growth of the movement in Europe.

I now pass on to another point which we have endeavored to keep in view. We consider that the citizens of every country ought to interest themselves in great questions of international policy. The days are gone by when they can leave their national destinies wholly to the government or ministry which, for the time being, may be at the head of affairs. History is full proof of the danger of such a course. There are very few wars which could not have been prevented had there been wisdom, sound judgment and proper self-restraint. We believe that the foreign relations of a country should not be concealed from the people; and we have urged that there should be a standing committee of trusted, able and impartial men, not connected with the ministry, who should be entrusted by the government with copies of all despatches and other documents, so that this committee may know accurately what are the relations with other states and may, when it is considered necessary, give its warning or suggestion to the government of the time. As an application of that principle, we have tried to adopt the following course: When any question has arisen, especially between Great Britain and a foreign country, we have endeavored to get all possible facts of the case and to publish them in a succinct form. We send these to the peace societies of that other country, to get their opinion and to invite a fair and honest interchange of views on the subject in question. We then endeavor to publish such statements, for the information of our own people, so that public opinion may be in some degree educated. We have received hearty acknowledgments of the value of this work, from men in other countries; and we believe that such correspondence has a pacific and elevating influence on public opinion.

Though this work has been difficult and arduous, it has received the recognition of men whose names carry great weight; men like Sir John Lubbock, Sir James Stansfeld, Lord Hobhouse and others who have presided at our annual meetings, and have endorsed our work. My object in bringing it before this Conference is to ask whether, in the United States, as well as in all other nations, there should not be some effort in this direction, that the various peace



and arbitration societies in different countries may be in constant and permanent communication with each other, in order to prevent dangerous misunderstandings and misapprehensions which may reach the most serious consequences. We wish to teach the great moral principle that no state, any more than any individual, can be judge in its own cause. We wish to teach men that one of the highest moral aims, for nations as for individuals, is the desire for justice at all cost; and to cultivate, therefore, with a view to that spirit, the impartial recognition of the fact that, without justice, we are not truly civilized nor truly Christian. (Applause.)

JUDGE W. N. ASHMAN of Philadelphia was next introduced, and spoke as follows:

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### ADDRESS OF JUDGE ASHMAN.

*Mr. Chairman, Ladies and Gentlemen,*—I have but a single word to say, and that is as to the distinction between arbitration, in the sense in which the word has been used here, and a court of international jurisdiction. There is one peculiarity pertaining to the judicial office which becomes, perhaps, a part of the judicial character; and that is, if I may so describe it, the automatic manner or method by which the judge reaches his decisions. Before the judge of the ordinary tribunal, there are cases arising every day which involve more or less of a tragedy. They are cases in which a man's reputation may be at stake, in which vast injury may result, by a false decision, to his property, to his very dearest rights. If the judge were to enter into the feelings of the parties litigant, he would lose all peace of mind and all capacity for judicial action. But the man, by a long course of habit, has come to dismiss from his mind those elements which go to make up the human tragedy in the scene which is enacted before him, and to look with a professional eye simply on the problem which is presented for his consideration. And the moment that you eliminate from the discussion these elements of human sympathy, you open the door wide to the proper and unbiassed exercise of reason.

Why should not that thing obtain in the case of the presiding officer in an international tribunal? That very same habit which goes to make efficient the judicial officer in a lower capacity comes in play here to vast advantage. He discards for the time being the prejudices of age and clime and country, and he looks at the question which is before him with the pure, serene and unclouded eye of a broad reason.

That is not the case with a man who, for the time being, fills the position of judge in a matter of arbitration. He is selected, I should judge by the testimony perhaps unconsciously given in the speeches of gentlemen to-day, in the capacity of an expert; and the longer I live, the less confidence I have in the judgment of an expert. It does not follow that because a man can draw a finely graded map, or can select from a vast mass of historic incidents those which fit the ques-

tion before him, he will necessarily be the proper judge of the relations between two great nations in a controversy which may arise over a disputed question of boundary. Where was there a man more stored and stuffed, if I may use that phrase, with historical facts, ancient and modern, wise and otherwise, than Macaulay; and who places him in the list of judicial historians?

There are one or two objections that have been raised against an international court of a permanent character, and I admit their force. It has been said, for instance, that history has shown that only seventeen cases affecting our relation with England have been submitted to arbitration in the course of a century. But it does not follow that that would be the number of the cases that would be submitted to a court invested with all the powers of a permanent tribunal in the next century. And beside that, as years go on, the necessity becomes more and more urgent, simply because the interests at stake are becoming more and more complicated. Then it was said,—I must confess I was a little surprised at that argument,—that this court would be an anomaly, having been created by a contract; and the question was gravely asked whether our Supreme Court, or any other Court, had ever been created by contract.

In a certain sense no, if by contract was meant a paper signed and sealed by all the parties concerned. The American people never did sign a paper authorizing Congress to pass a law which, under the Constitution, should lead to the establishment of the Supreme Court of the United States.

But the Constitution itself, the union of these states, were both of them, after all, the result, in the highest sense of the term, of a contract,—a contract between sovereign states. The international tribunal which is in the mind of this convention, will be the joint creation of two nations, each of them acting through its supreme legislature and its supreme executive; and in theory at least—and we can only theorize as to what is not yet even an experiment—it will be as permanent an institution as the political constitution of those nations themselves.

It has been forcibly argued that other nations than the English-speaking peoples would soon seek to be represented in such a court. The moment you admit that as a possible fact, most of the difficulties in the way of enforcing its decrees will have vanished, for the reason that those decrees will embody the moral force of the greater part of Christendom. Suppose for example, that through the neglect or the connivance of government officials, an outrage should be perpetrated upon an American citizen temporarily sojourning in France; and that upon a full presentation of the case before the Court of the nations, it should be adjudged that France should pay a large indemnity as a penalty for the offence. Suppose that France should ignore the decree. The Court might then declare that every French citizen who should be within the remaining territories over which its process reaches, should be detained as a hostage; that no ship carrying the flag of one of those nationalities should discharge its cargo in a French port, and that no French vessel should unload in a port within the Court's jurisdiction. No nation could stand out

long against so sweeping a judgment, if it were once put into execution. And why should it not be? To compare great things with small, each government to whom that judgment would be transmitted for its action would be, in strict truth, a sheriff whose function would be to carry the decree into effect.

It has been said here that the conflicting interests arising out of diversities of language and customs and local jurisprudence, could never be harmonized in the construction of such a Court. This objection overlooks the circumstance that International Law is itself a complete code, and that it is of universal obligation among civilized people; and it overlooks the other fact that it recognizes and respects local customs and laws, so far as they are consistent with international rights and international duties. Some analogy, in answer to the objection, may be found in our own Supreme Court. That bench is made up of Judges who have been trained in dissimilar schools of jurisprudence and who come from communities, ruled some of them by the common law, one of them by the civil law, and others by codes which have, in a measure, superseded both the common and civil law; and yet the decisions of that Court command the common respect and the common obedience of the States of the Union.

After all, this question of power is of minor consequence. The real efficiency of the tribunal must rest in the conscience of those over whom it shall profess to hold sway. That there is such a conscience is shown by the magnificent appeal from both sides of the Atlantic, from the arbitrament of war to that of law. We may rest assured that the tribunal which shall be established in answer to this call, will need no costly machinery for the enforcement of its judgment.

At the close of Judge Ashman's address, MR. EDWIN D. MEAD of Boston was presented.

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#### ADDRESS OF EDWIN D. MEAD.

*Ladies and Gentlemen,*—In his great tractate on “Eternal Peace,” that wonderful essay written a hundred years ago, which is prophecy and plan of that federation of the world for which we are working, Immanuel Kant said that the only remedy for the evils of war which always confront us was a system of international right, founded on public law, joined with power, to which every nation must submit, according to the analogy of the relations of individuals to the modern state. I believe that a true view of the tribunal which it is sought to create for meeting these evils and dangers of war is that which sees that that tribunal, as its jurisdiction extends and as the evolution of history goes on, will sustain precisely the relation to the whole world which the Supreme Court of the United States sustains to the States of this Union. The evolution through which we are passing is an evolution to a great state of nations, a complete federation of the world, which will have a

political and administrative unity as truly as this provision would secure to it some sort of judicial unity.

But I remember that Immanuel Kant also said that universal peace can come only with the universal republic; and it is true that this movement toward international arbitration and the substitution of methods of law and peace for methods of war has been coincident with the development of modern democracy. Kant said that this movement would start—and it is a prophecy and a call to the American people to their great duty—when there should be some powerful and enlightened people who should form themselves into a republic; because republican institutions lead, by their very nature, to habits of peace and law. Such a republic, he said, would make itself a centre of federative union, and to this other nations would join themselves, the leaven ever spreading, and so the international state would come into being. I believe that Kant here foresaw the true method and history of internationalism; and because I believe this, I believe it to be supremely important that we should work for a union, for a system of arbitration, in the first place, between these two great English-speaking countries which are the completest exemplifications among nations of the republican idea. Never, it seems to me, was a greater mistake made by any American statesman than was made by Secretary Olney in his letter to Lord Salisbury, in which he implied that the dispute between Great Britain and Venezuela was one in which a nation which represented monarchical institutions came into collision with one which represented the idea of self-government. Venezuela is a republic in name only; England is a republic in fact—as true a republic in most respects as we are. We are one great people, under common institutions, institutions more alike than those of any other nations. Complex as our population has become, while it is true that we are New Ireland and New Germany and New France as well as New England, it is still New England, in the broadest sense of that term, which dominates and prescribes the institutions which shape this great republic and the ideas which control its destiny.

It becomes then of the highest importance that everything should be done to bring these two great branches of the English-speaking race into the closest harmony and the closest mutual understanding. At present, whatever people like ourselves feel, it is undeniably true, as any one who is familiar with the speeches in political campaigns knows, that there is a vast amount of enmity to Great Britain in this country. There is no string upon which the politician can play in a public meeting with a greater certainty of response and cheap applause than the string of the old grudge against England. It is not a feeling of rivalry in trade—primarily not that at all; the economic facts, as Professor Clark so clearly pointed out, are all in favor of peace and the closest relations. The workingmen of England and America are friends; the chambers of commerce are always opposed to war. It grows rather out of a false conception of the historic relations of England and America. We learned last night about the falseness of that conception with reference to the feeling of the English people in the Civil War. The English people were

with us in the war, however it was with Palmerston and Lord John Russell and the aristocracy. These things are known to *us* here; but they are not known and believed by the mass of the American people. They look upon England, and lump England altogether, as simply fitting out privateers against us and sympathizing with the Southern Confederacy. It has been a great misfortune that in all critical exigencies of history between this country and England, England has been represented by precisely the type of man most calculated to anger the American people,—in the late crisis by Lord Salisbury, in the Civil War by Lord John Russell and Lord Palmerston, in the time of George III by men like Grenville and Lord North. Indeed it was of course owing largely to the fact that such men were in power that these exigencies arose.

It is not so much the feeling which our people have as to any action of England in the Civil War, as much older feelings and much older matters which are chiefly responsible for the ill-will which it is our duty to remove. This ill-will springs from an utterly false view of what the American Revolution was, what the character of that exigency in the midst of which our independence was achieved. Our children grow up with the feeling that “red-coat” is the very badge and synonym of enmity to America. They are trained in it by false and superficial text-books. A truer and deeper view of history teaches us that the American Revolution was simply one great effort in the English race in behalf of law and liberty, precisely as was that other great conflict of the Puritan age, out of which New England, the English influence in America and the English settlement of America were born. Sam Adams, who more than any other embodies the spirit of the American Revolution, whom we like to call “the father of the American Revolution,” has often been called “the last of the Puritans.” It is a happy conjunction. Sam Adams was simply a man of the English Commonwealth moved another century down the line of history; simply another John Hampden,—or better a John Pym,—doing his work under American conditions a hundred years later. The conflict between the Boston town meetings and the Virginia House of Burgesses and King George was precisely a repetition of the old conflict between Parliament and King Charles, an uprising of Englishmen against lawlessness and the tyrannical assertion of prerogative. That was the way that Sir John Eliot, writing his great Apology in the Tower, described his own effort and that of the men who worked with him; and Patrick Henry in the House of Burgesses, reminding his hearers that “Charles the First had his Cromwell,” claimed only to be defending the old English liberties which were threatened alike on both continents. It was mere accident which, in 1630, kept Cromwell and his fellows in old England to fight for law and liberty there, and which sent Winthrop and his fellows to New England to provide a refuge here in case their brethren failed. The feeling of independence was as strong in the little Massachusetts colony at the beginning as it was in 1775. Before the colony was five years old, and before it numbered five thousand souls, it appropriated six hundred pounds to fortify Boston harbor, when it

heard that a royal governor was to be sent from England in opposition to its charter; it was ready for war with King Charles, Ecclesiastical Commission and all, rather than have its chartered rights interfered with. There was the same spirit in John Winthrop which was in Sam Adams, in Captain Parker on Lexington Common, and in the men of Bunker Hill.

The best men in England in 1775 saw clearly that the men on Bunker Hill, and not King George's soldiers, were the true representatives of the English idea. England was not one great body, seeking to crush America; England was divided,—and almost every man whose opinion had worth and weight was on our side. "I rejoice," exclaimed Pitt in the House of Commons, "that America has resisted. England's success in such a struggle as this would be deplorable. If America failed in a cause like this, she would fall like the strong man, pulling down the pillars of the English constitution with her." Pitt saw this; Burke saw this; Fox saw this; Walpole saw this. "Thank God," exclaimed Walpole, hearing the news of Burgoyne's surrender at Saratoga, "Old England is safe!" These men knew that Sam Adams was the true representative of the English idea when the English king set a price upon his head, and George Washington while he was bombarding the British out of Boston. The American Revolution was another episode in the long line of struggles for liberty in the English race, like the struggle of the barons at Runnymede, of De Montfort at Lewes, of Cromwell at Naseby, the cause for which Sir Harry Vane laid down his head upon the scaffold, and for which Gladstone stands to-day at Westminster. The best English sentiment was with us while the Revolution progressed; and English sentiment has been with us, almost unanimously, from that time to this. We have to go to the British poets, to Byron, to Burns, for the noblest panegyrics upon Washington; the English historians, Green, Gardine, and the rest, tell the story of the American Revolution precisely as we desire to have it told; and above all, the boys and girls in the English schools are taught this history from their text-books in the right way, in the way which makes them love and admire us and our fathers, instead of hating us. I wish that every one might read the "Citizen's Reader," that splendid little book by Arnold Forster, which circulates by hundreds of thousands in the English public schools, and see how the American Revolution is treated in the two or three pages devoted to it there. Consider the infinite difference which it makes whether boys and girls are brought up upon such history, or upon such a view of England as most of our own text-books promote in touching the Revolution. The influence of false history, of crude, one-sided history, and on the other hand of true history, is enormous. Until fifty years ago, almost all Englishmen believed Cromwell to be a hypocrite and a monster. The great Puritan revolution and the Commonwealth were not understood at all. Carlyle revolutionized that history, and in doing it revolutionized English sentiment and put an end to the feuds of generations. The statue of Cromwell does not yet stand in Westminster, as our own Doctor Hale was the first to declare it ought to

stand; but it will stand there while some of us in this Conference are yet alive. Hampden's statue already stands there, side by side with Falkland, to whom it was as hard for men of Puritan antecedents to do justice as it was for other men to do justice to Hampden and Cromwell.

This, then, is what we want to make our people know — that in the American Revolution *England* did not hate us, but that the best men in England were our friends, and that all thoughtful Englishmen have been our friends from that time to this, the men of the Revolution and the fathers of our Constitution finding their greatest eulogists in English statesmen like Brougham and Gladstone. We want our people to know that the English people were not our enemies in the time of the Civil War; that Lord John Russell and Lord Palmerston no more truly represented the English people than Lord Salisbury represented the English people last December in refusing arbitration on the Venezuela question. How quickly the tone was changed when Parliament assembled and Harcourt and Balfour and the rest—Liberals and Conservatives alike—were heard. The great mass of the best English thought and feeling, from Cobden and Bright to the millions of workingmen, was with us in the Civil War, praying and working for our success. The best English thought and feeling were with us in the Revolution, and have always been with us. These things the people need to know. When they know them, when they have the true view of English history in its relation to America, the century-old hatred and grudge will begin to die, and eternal peace between the nations will be sure.

HON. JOHN A. KASSON, ex-minister to Austria, was then invited to address the Conference.

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## INTERNATIONAL ARBITRATION:

### HOW, AND HOW FAR, IS IT PRACTICABLE.

#### ADDRESS OF HON. JOHN A. KASSON.

*Mr. President,*—The men whom it is most important to us to convince, through whom we must attain our object if we succeed belong to the very clever class of international statesmen. If I can render any real service to you and to our cause it will be by presenting to you their general views on the subject before us, as I have ascertained them by much personal and official intercourse, and by their recorded declarations.

The Duke de Sully, great minister of a great sovereign, also philosophic thinker and statesman, gives to posterity a needed warning against ill considered enthusiasm. He says: "The mind of man pursues with so much complacency, nay even with so much ardor, whatever it fancies great or beautiful, that it is sorry to be made sensible that these objects have frequently nothing real or solid in them."

It is impossible to give a better definition of the danger to which the promoters of international arbitration are exposed. The idea of extending the judicial system, by which all the differences between man and man are peacefully adjusted, to all differences between the nations of the earth, and so abolishing all the savagery and waste of war, is so captivating by its greatness and beauty that we are indeed sorry to be made sensible of the obstacles in the way of its realization. But such obstacles of the most serious nature do exist; and the means for their removal, or for overcoming them, require deliberation more than enthusiasm.

It is most fortunate that the close of our century finds three of the most powerful nations of the world, most prominent in civilization and most competent in war, leading in the consideration of the means for the more constant preservation of peace by some system of arbitration or mediation. If the movement were entrusted to unpractical theorists clamorous against armies and navies, or if it were urged only by weak and unwarlike nations, it would be wholly ineffective. The effort would simply invite the attention of the strong and grasping to their neighbor's weakness. It would be the harmless lamb walking into the herd of lions to remonstrate against their going about with such sharp teeth and cruel claws. The world has not yet reached a point of Christian civilization where a national lamb, without horns, can assure to itself peace anywhere among the lionherd except inside the lion. Witness Holstein and Hanover, witness Egypt, witness Madagascar, witness South Africa and Central and Southern Asia, events that have occurred before our own eyes. Americans must therefore still believe the declaration of the father of their country, that in order to assure peace we must be prepared for war. A nation resolute for peace must be ready to enforce it.

Europe owes the continuation of its peace during the last twenty-five years to that strongly armed mid-European League which was devised by that great statesman whose policy was named as "iron and blood." A mournful burden indeed is this costly preparation for war, but not so mournful as the dreadful visitation of war itself.

Our function therefore does not seem to be to encourage a crusade against armies and navies, against soldiers and sailors. It is rather to diminish so far as possible the occasions for employing them in actual war. This is a practical and practicable duty in which we are assured of our accord with the divine will, and in which we shall have the sympathy of most governments, and the respect of all.

In what way can this good and Christian work be most wisely conducted? What is it best to do, and best to avoid doing?

It is decidedly unwise to attempt in the beginning to include too many nations in the same convention. Some of them have uncompleted national purposes, partly just, partly unjust, but which can only be accomplished by the free military arm. Russia, whether right or wrong, will have an open port within Korean or Chinese territory, and an open course to the Mediterranean Sea. Austria and Italy and Greece will assert their claims to a part of the Euro-



pean territory of Turkey upon the break-up of that Empire. France will not relinquish her right to war for the recovery of her lost departments. Germany will not arbitrate her right to existing provinces won in her late wars. England will not arbitrate her right to new colonial conquests, nor (for the present) the duration of her occupation of Egypt. The United States will not submit to any tribunal their policy initiated by President Monroe. Strong nations are as fond of their freedom of action in emergencies as is the individual man in his business and personal relations. There are some nations and more questions which cannot for many years to come be brought within the scope of international arbitration. We must abandon as only a lovely dream of a future possibility all idea of an universal system of arbitration, whether universal in respect to nations, or universal in respect to the questions to be submitted to arbitration.

The difficulties—I may almost say the impossibility—of embracing many nations in the same scheme were made apparent in the Pan-American Conference of 1890, the story of which is well worthy of remembrance in this connection. There were eighteen governments represented in the Conference by accredited delegates. Everyone of the seventeen continental and independent American governments was represented, with addition of the insular government of Hayti. Only one of the nations was Anglo-Saxon in origin, one was Franco-African, one Portuguese, and fifteen Spanish. Consequently it was necessary to reconcile many different hereditary opinions, political tendencies, and various intellectual training. One of the principal questions submitted to the Conference was that of a general system of international arbitration embracing the eighteen governments. The project of such a convention was indeed nominally adopted by the representatives of fifteen States; but the two most powerful and intelligent States refused their assent to it. They would have approved of the rule of arbitration in the majority of cases, but demanded that questions of independence and of national dignity and honor should be excluded from the compulsion of the act. In that case they were willing to make mediation before war compulsory for all other cases. The opposing delegates were headstrong, and the project draft was adopted by a majority only, without the sanction of Mexico or Chile.

The second article of this Pan-American Convention made arbitration obligatory for a specific list of differences. The third article made it equally compulsory for all other disputes, saving, only by the fourth article, a controversy which a government may regard as imperilling its independence. Thus it was sought to bind the independent action of each sovereignty throughout all the unknown and unknowable conditions of the future, saving only this one right reserved by each to judge whether its independence was endangered. From a practical statesman's point of view, it is not surprising that only the weaker governments afterward ratified an agreement so reckless of future contingencies. The majority declined all further action upon it. The United States government itself never approved it, nor submitted it to the Senate for ratification. In compliance

with a vote of the Conference our State Department transmitted the project to European governments, by whom it was at once committed to their dusty files—in memoriam—in some cases without even acknowledgment of its receipt.

I have recited these facts as indicating that all attempts to establish at the present time a universal system of arbitration by a single contract including many nations, will be fruitless and a vain expenditure of labor. Experienced statesmen will have nothing to do with sweeping generalities, binding their nations for an unlimited time and unknown future. Nations cannot be brought to such an absolute agreement by large groups. Their interests, hopes and ambitions are too diverse to be covered by identical provisions. Two nations only, masters of the knowledge of their past, present and probable future relations and disagreements, can be expected to provide permanently for submission of their differences to arbitration. Even in that case there is doubt if they will ever agree to submit all differences without reserve. There must be a specific list of those which shall be submitted, not a specific list of those excepted. That was a fundamental mistake in the project of the American Conference. Had they limited compulsory submission to certain agreed points, treaties between all of them and the United States might now be in existence.

Nor is it probable that for many years to come governments will see with sufficient clearness the character of the differences likely to arise between them to accept the ideal of a permanent Court of Arbitration. Among the objections to be offered to that theory is the need in many cases of technical knowledge which requires a special selection of arbitrators with reference to the points in dispute; the differing views of law and justice in which the lawyers are trained in the various countries from which the members of such a court must be chosen; and the dependence of such judges in several countries upon political direction. Such a tribunal might be more wisely appointed at the beginning, for the purpose of preparing a code which should give definiteness and precision to the rules of international law. After the ratification of such a code, the trial court might be safely established.

Often in the course of the world's weary history have men turned their attention from devastating war to the Christian prophecy of "Peace on earth, goodwill to men." Authors and statesmen, both the powerful and the powerless, have conceived various devices for the introduction of this hopeful era. But no such device has been self-executing; physical force was always arrayed behind it. The often quoted precedent of the Amphictyonic Confederation of Ancient Greece appears to have suggested most of these plans. But that institution was as much administrative as judicial. The limits of its power are not definitely known. It interposed between the twelve small States composing it, and seems to have engaged at times in composing the troubles of individual cities. It certainly mediated between them, gave decisions, and enforced them by fines, by expulsion from the Confederacy, and even by war. It is not, therefore, a model for the proposed system of arbitration between States of our civilization.

We propose no scheme which requires the use of force, or any other form of physical punishment. Our only compulsion will be that of morality and honor, and the national shame which follows their violation. These are positive and recognized forces in Christendom as they never were among the Greeks.

Nor can the scheme of Henry IV of France, of which the honor of conception is divided between him and Elizabeth of England, furnish a model of any utility for our times and purposes. The most important part of their scheme was aimed at the dismemberment and humiliation of the House of Austria, the spoils of which were to be distributed among princes and republics to purchase their adherence to this project. When by such bribery, followed by the contemplated war, they should have united the rest of Europe, and compelled the assent of Austria and Spain to the proposed reorganization of nations and new disposition of territory, then, and only then, was what he was pleased to call the great Christian Republic of Nations to be called into existence. The apportioned delegates of the associated governments were to meet in common council for the regulation of any dissensions which might thereafter arise between them. Even then it was not to be a simple Council of Arbitration in the interests of peace. It was to be a legislature with power to apportion assessments and warlike charges among its constituents for the purpose of prosecuting war against the Mohammedan power of Asia. The death of England's great Queen, followed by the selfish indifference of King James, was a severe blow to the scheme such as it was. Henry, however, still prosecuted it and was secretly gaining some adherents in Germany and the North, when the dagger of Ravillac terminated the career of the most noble and picturesque monarch of Europe. With him disappeared from the historic scene that great plan for abolishing the occasion of all future wars between Christian nations by one great contest of mingled diplomacy and force for the redistribution of power in Europe. The project was appropriate to those warlike times, and it ennobled the fame of France by Henry's repudiation of all intention to profit himself by the dismemberment of Austria and Spain. But no part of the scheme offers an example for our times and international circumstances.

The Peace of Utrecht (1713) established new territorial relations and limits. In the period following these treaties the Abbé de St. Pierre, who had been present at the conferences, and knew the deplorable effects of the long wars in which Louis XIV had been engaged, published (1729) in three volumes, a scheme for securing perpetual peace on the Continent with a voluminous argument in support of it. His plan appears to have been inspired by that of Henry IV, assuming the new international boundaries to be perpetual. According to him each of the Powers was to renounce the right of war against the others. An assembly of the delegates of all the Powers was to determine the mutual disputes by a majority of three-fourths of the delegates. Nineteen principal governments were to have one vote each, minor states and free cities together to have one vote in this general Diet. A refractory member was to be

compelled to obedience by the combined arms of the others. The spirit of the good Abbé was commended by good people; but the general verdict was that it was merely the "dream of a good man." A distinguished cardinal said that the Abbé should have first provided for the conversion of men into angels.

At that time neither rulers nor philanthropic prophets foresaw what God's providence was providing for mankind, even within a century, by the aid of wars more extensive and more disruptive than that generation had ever known. After some renewed hostilities on the Continent and on the seas, the way was opened for our American independence; and this was followed by the revolutionary and dethroning wars of France against all Europe. These showed how vain and transient would have been the peace system of Henry or the scheme of St. Pierre, both of which were founded upon the mere agreement of transient crowned heads, and upon the theory that transitory boundaries could be made eternal. There were moral forces, suppressed but fermenting, which must first find expression in the liberty of individual and national development, before permanent conditions of peace could be established. The explosion in France prepared the necessary emancipation; and from that time on Providence has been more visibly working, even through wars, for the establishment of universal peace. Witness the necessary enlargement of the United States to the Pacific Ocean, the permanent union of Italian States, the consolidation of German States, the incorporation into Russia of Asiatic States, and the union of Central Europe from the Baltic to the Mediterranean in a defensive bond for the preservation of peace. The retrospect of the philosopher discovers in all these the divinely ordered preliminaries of national contentment, which is a requisite condition of permanent peace. If our declarations and labors are to have any influence upon the action of international statesmen, it is of prime importance that we show an appreciation of present national conditions, and recognize as well the possibility of future international readjustments, unforeseen but dictated by that higher Power which we call Providence. We must neither ignore history nor the actual controlling motives of chiefs of States, and the desires of nationalities. Some nations are already territorially rounded out and completed. Others are not. In some the aspiration for unity of race and language is satisfied; in others not. In some national independence is firmly established; in others it is insecure. No universal agreement therefore for the renunciation of the right of conquest, or for unrestricted arbitration of disputes can be expected at the present time. As each generation removes some of the obstacles, and more and more satisfies legitimate national and racial aspirations, there remains always the brighter hope of the future.

Several groups, of two or more nations each, stand already in such relations to each other that their respective Ministers could to-day wisely and safely entertain propositions for a permanent rule of arbitration, which should be binding on both in respect to the majority of their probable differences. Our attention will be most usefully directed to these groups, and more especially to those of

which our own country is a constituent. For example, consider the two groups of nations composed of

First, the United States of America and the kindred nation of Great Britain;

Second, of the United States of America and their life-long friend, France.

What are the conditions which render the proposed system of arbitration between the two States first named peculiarly practicable?

1. A like education of their people and of their statesmen in identical principles of law, of religion and of justice, which predisposes them to a common judicial view of right and wrong. 2. A common language, literature and press continually interchanged, together with an unceasing personal, social and commercial intercourse, which leave little opportunity for angry misconceptions to crystallize into hostile resolutions. 3. Both nations entertain common views of the duty which a Christian civilization owes to liberty and humanity. 4. For one hundred years they have been accustomed to settle all their extreme disputes, save one, by arbitration or reference, whenever unsettled by diplomacy. 5. Both nations have established an equal reputation for valor and persistence in war by land and sea, and each could inflict upon the material interests of the other enormous injury if the relations of peace were unhappily broken. 6. The many recent expressions of parliamentary and public opinion in both countries which have been formally and publicly exchanged, show that the time is consummately ripe for a general and permanent treaty between the states of this group for the arbitration of most of the international disputes likely to remain after diplomatic negotiations. 7. Neither state has need of any part of the people or of the territory of the other for its future safety or development.

Eighty years have now passed, not without troublesome disputes to be sure, but happily without war between them; and so we may reasonably believe that the hostilities and passions of that period do not exist in the breast of men of the present generation. Should, however, some question again arise bringing the two nations into angry conflict, we might wait many years before again entering upon such an era of international amiability as that which prevails to-day. It is an obligation of the highest wisdom to do a right thing at the right time.

Between our Republic and France very serious discussions have arisen during the century, but none which have been beyond the power of diplomacy to adjust. Once indeed (1880) the intervention of a friendly Power was agreed upon merely for the appointment of a third Commissioner upon a Board for the adjustment of claims. There are no boundary questions between the two governments separated by an ocean, and no probable disputes except those which may arise upon the interpretation of international law or treaties, or for damages to neutral interests in war. It is therefore with pleasure that we recall the unanimous passage by the House of Deputies of the French Parliament, on the 8th of July, 1895, of the following resolution :

“ La Chambre invite le gouvernement à négocier le plus tôt possible la conclusion d’un traité d’arbitrage permanent entre la République Française et la République des Etats-Unis d’Amérique.”

A previous resolution of like tenor had been approved by all the Bureaux of the Chamber in 1888, but not forwarded to a vote. We are justified therefore in assuming that French opinion has reached a point as advanced as our own in favor of permanent provisions for arbitration between these two countries, each of which would revolt at the thought of sundering their ancient and long unbroken friendship.

In regard to the line which separates the questions which may be submitted to arbitration from those which nations must reserve for their own independent decision, the determination must be left to those experienced men who have reached the third degree in international diplomacy. That there are questions of national honor and safety which no self-respecting government will agree in advance to submit to the final decision of a third party, I fully admit. The utmost that can be expected in such cases is an agreement to have recourse to the friendly mediation of a third Power, before a resort to hostilities. This proceeding would in most instances be effective in bringing both to an understanding.

From our point of view these two groups of nations can at any time proceed to the negotiation of a treaty providing for the reference to arbitration of all differences hereafter arising between them, which shall not be adjusted through ordinary diplomatic agencies, and so far as they fall within the classification which should be set forth in a special article. They would of course provide for the observance by each in good faith of the decision of the arbitrators. For example, the following classification might be offered as a basis: (a) Conflicting claims of territorial boundary or jurisdiction. (b) Conflicting claims of marine jurisdiction, or touching the rights or exemptions of vessels, persons or property on the high seas or in the ports or waters of either nation, whether arising under international law or treaty. (c) All claims for damages made by one government against the other on account of wrongs done to the citizens or subjects of either within the jurisdiction of the other, or to the property of either government, or of its citizens or subjects, in respect to which the government is responsible, or alleged to be responsible. (d) All disputes of law or fact arising under the provisions of any treaty in force between the two nations. (e) Differences arising between them in respect to a refusal or violation of diplomatic or consular rights and privileges, alleged by one government against the other.

It is greatly to be desired that a clause should be also agreed to providing that in all other cases whatever there should be a resort to the mediation of a friendly power before having recourse to hostilities. This alone would be an inestimable contribution to the cause of peace. This space for reflection, this time for the cooling of temper on the part of both Ministers and people, this invited intervention of an impartial third party, would in most cases open the road to reconciliation. Even on questions of national honor and

dignity an offending or offended government could afford to accept as the award of a court of honor what it could not itself propose. This yielding to the advice of a third and friendly party, instead of to the demands of an ungracious adversary, often saves the points of both honor and safety to the yielding government.

In respect to the differences so subjected to arbitration, they should renounce the right of war against the party conforming to the rule of arbitration, each party retaining the right to enforce the arbitral decrees. Another article would provide for the organization of the Court of Arbitration. A third would, perhaps, extend the agreement to include all other differences which do not in the judgment of either government involve its safety or its honor.

An international convention embracing these provisions would notably inaugurate that era of peace for which the overburdened nationalities of the Christian civilization have been waiting. There are some groups of nations which will not yet accept it. But so far as concerns the two groups under consideration, there is no serious obstacle in the way of either nation proceeding now by a special commission to settle the terms of such a convention. The proposed provision for mediation in all cases before an act of hostility is not new to diplomacy. It has already been once provided for in a general treaty now in force. In the Congo Conference held at Berlin in 1884-5, I proposed as the representative of the United States the acceptance, by the fourteen Powers assembled in that Conference, of the principle of arbitration for all differences which might arise between them in respect to their Central African possessions. This proposition obtained the adhesion of nearly all the Powers, including the very active support of Germany and Italy. France stood resolutely against it. Its prolonged discussion finally resulted in a compromise article—the XII of the Treaty—which was as far as the French Plenipotentiary was willing to go. This article provides that where serious differences between the signatory Powers shall arise on the subject or within the limits of these territories, the Powers involved shall resort to the mediation of one or more friendly governments before appealing to arms. They reserve to themselves as an alternative the option of arbitration. This result—compulsory mediation, optional arbitration—was a great gain to the principles of peace. It is a remarkable fact that Mahomedan Turkey accepted arbitration for Africa, while Christian France and Portugal at that time repudiated it.

In the more recent Pan-American Conference of 1890, there was also an opportunity to secure compulsory mediation, with arbitration of a specific list of differences. But the unwise and impractical theorists in that assembly overruled the practical and the wise statesmen; and there was consequently a failure of unanimous and useful results. During this generation at least, it is not probable that any powerful nation will bind itself to arbitration beyond the limitations which have been here generally indicated. For unknown questions, unknown conditions of the future, the dreadful right of war will be, and for the present ought to be, retained for the security of that independence, liberty and civilization which have owed to it

their modern progress and security. But the United States, owing to their freedom from all particular alliances and international entanglements, are in an especially advantageous position for inaugurating the system in question, so far as it is practicable, by special conventions between themselves and other nations. If our government shall, by the appointment of a Diplomatic Commission to study and report upon the project of a treaty, or by direct and positive convention take the initiative, there is no reasonable doubt that it will render a lasting service to international peace and civilization.

At the close of Mr. Kasson's address DR. BRADFORD addressed the Conference.

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### REMARKS OF THE REV. A. H. BRADFORD, D.D.

The line of thought along which my mind has been moving is on a different plane from that of Mr. Kasson's paper. One statement of his address, however, caused me to place a large interrogation-point: it was the suggestion that the governments of the world would not arbitrate many most important questions. It has been true that at some stages of the history of nations they have absolutely refused to do things which, after the evolution of a few years, they have been glad and enthusiastic to do. The change is due to a different public sentiment. We cannot judge the America of to-day by the America of a quarter of a century ago, or the Great Britain of to-day by the Great Britain of the period of the American Revolution. If during the next fifty years events move with the same rapidity that they have for the last fifty years there will be nothing which nations will not be willing to submit to such a court as has been here proposed. History teaches many lessons, and among them none is more important than that it is not always safe to judge the future by the past.

At the English Social Science Congress which assembled in the city of Birmingham in the year 1884 one of the most prominent statesmen of Great Britain began an address in one of the departments with these words: "I desire to make a prophecy. It is this: 'The child is now born who will see the United States of Europe, as those of us who are older have already seen the United States of America.'" That was not the first time that very sanguine prophecy had been uttered, but it was the sentiment of a man who sincerely believed what he said; and the most significant part of it was that the audience which listened cheered to the echo. The idea of a United States of Europe is not a mere idle dream. Many events suggest that the faith is sure to be realized, and that possibly sooner than the most sanguine imagine.

We have spent much time in this Conference in asking what we would do under certain conditions. It seems to me the more important question is, How may we realize the conditions which shall enable us to do the things which we desire? On that point I desire to speak for a moment. In the first place there must be a



better understanding of facts on both sides of the water. It has been my privilege to spend a great deal of time during the last fifteen years in Great Britain, and I stand here to say unqualifiedly that the people of Great Britain understand the United States better than the people of the United States understand England, and that they are far more kindly in their sentiments toward us than we are in our judgments of them. As I go from point to point in England and Scotland, from the South to the North, I find usually the most intense interest in everything which concerns the United States, and the utmost fairness in judgments of what is transpiring on this side of the water; and it is a matter of sincere regret to me to come home and find selfish motives imputed to "our kin beyond the sea," who are worthy of our gratitude and honor instead. We must come to a clear understanding of some of the greatest difficulties in our way before we can expect that war will give place to arbitration. When we know that the English people are our friends we shall not be so eager to fight them.

I may be wide of the mark, but I think the greatest obstacle at present in the way of the realization of our object is political. A large proportion of the people of the United States do not want to understand the true condition of things in Great Britain. There are two parties in the United States, and both are bidding for one class of voters. The Republican managers are catering for the Irish vote, and the Democratic "bosses" are bidding for the Irish vote. In that fact you find the explanation of the way the President's message was received by the country from East to West. I landed in San Francisco from Japan last Christmas Eve and came directly across the continent. I found the papers almost from ocean to ocean full of the war spirit; and it was not difficult to see that beneath the apparent enthusiasm was more of politics than of enthusiasm. It is possible to arbitrate if we want to do so; and the chief reason that many do not want arbitration is that it would interfere with their political schemes. It is well to face facts, whoever is hurt. We need education concerning the condition of things in England, and concerning the source of much of the hostility to England in this country.

We need the creation of a proper public sentiment concerning the wisdom and possibility of arbitration. One of the strangest ironies of our time is the way in which public sentiment is created. Some of you have read that interesting little prose poem by Turgenieff called "The Blockhead." In a certain village there was a man whom everybody called a fool and believed to be a fool. But after a little time he was wise enough to learn how many other people manage to gain influence and thrive. He saw that the man who is regarded as an oracle always, with ominous shakes of the head, refuses to believe anything that anybody says, and abuses almost everybody whose name is mentioned. By and by the people began to say: "What a wise fellow our blockhead has become!" He continued to doubt, to insinuate, to sneer, until his neighbors actually began to think he knew something. At last he was no more called a fool but a very wise man, and with no other

qualifications was made the literary critic on a daily newspaper. That is a good illustration of the way the reporters of our daily papers are evolved; and they make public sentiment. Moreover, the papers exist,—as the editor of one of the prominent New York journals recently said, “for one purpose and one only: to put money into the pockets of the men who own them.” These facts give us a fair idea of how public sentiment is created. It does not represent the people. Our work is so to educate the nation that there will be a true public sentiment, a sentiment which in the best sense will be representative.

Were I asked what to me seems the prophetic word of this Conference, I should say that it was spoken when my friend Mr. Dole said that the one great privilege of this time is to emphasize the power of the ideal. It is not important for us to know whether war will be supplanted by a Board of Arbitration or by an International Supreme Court; but it is supremely important that those who believe that war should end continue this agitation until the people will not endure the suggestion of fighting; until the arbitrament of arms shall be regarded as a relic of barbarism. In Japan the Emperor tells the Parliament what it must do; all the power comes from the throne; but in England and America the power comes from the people; and when the people tell the politicians what they must do, and when the people have been trained and educated and filled with the idea of brotherhood, we shall find that war will be no more.

The last address of the evening was made by DR. LYMAN ABBOTT.

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#### ADDRESS OF REV. LYMAN ABBOTT.

*Mr. Chairman, Ladies and Gentlemen,*—I consider the substitution of law for war, as a means of settling controversy between nations, as the natural climax and culmination of eighteen centuries of Christian civilization, and I am glad to be permitted to say the least word, I am glad to be permitted to exercise the least influence, on behalf of so grand a movement. I am afraid that I shall do little this evening except to contribute a little of that enthusiasm, a little of that idealism, which the Hon. Mr. Kasson thinks of no great value. None the less, I do think it is important that we should understand, not merely what is practicable to-day, not merely what diplomatists are thinking about it, but what is the final issue to be reached, not merely what diplomatists are thinking, but what God Almighty is thinking about it. (Applause.)

The issue presented before us is a perfectly simple one. On the one hand is the appeal to force, on the other the appeal to reason, as a method of determining controversies among mankind. It is the question between law and war. We have had a definition of law to-night from a distinguished member of the bar; law, he said, is the application of the principles of justice to the affairs of man-

kind. I hold in my hand a definition of war by one of our most distinguished jurists and statesmen, Charles Sumner. "War," said he, "is a public armed contest between nations under the sanction of international law, to establish justice between them." Here are these two definitions: law is the method of the administration of justice between individuals, war is the method of the administration of justice between nations. War is not mere incidental fighting, it is regulated by international law, it is the established, recognized method of determining what is justice between nation and nation. On the one hand, then, we have the appeal to reason, the determination of the question by an impartial and judicial tribunal, of what is just between man and man; on the other hand we have the appeal to force to determine what is just between nation and nation. Formerly, as has been pointed out, the question of justice between individual and individual was settled by wager of battle. All the circumstances were settled by law. Then we had private war, with which all Europe was deluged for I know not how many centuries,—noble fighting against noble, family against family, city against city. All that has passed away; no longer does the individual fight with individual, no longer does city fight with city,—but still nation fights with nation. And what some of us stand for here to-day is the absolute substitution of law for war as the means of settling all controversies between nations, as the only method by which justice can be determined. Law demonstrates justice, war only demonstrates power. Law is civilization, war is barbarism. And if any one here thinks that utterance is too little respectful to the army, I will quote instead the words of one of America's greatest generals: "You tell me war is glory? I tell you it is hell."

I stand then, first, for this;—the establishment of a permanent tribunal to decide what is just between nation and nation. Let us understand clearly what this means. Government has three separate functions, the legislative, the judicial, the executive. The legislative determines the will of the nation; we do not propose a legislature for Christendom. The judicial determines what is justice between individuals; we do propose a judicial body for Christendom to determine what is justice between nations. The executive enforces the decrees of the legislative and the decrees of the courts; we do not propose an executive for Christendom. The courts do not enforce their decrees; their decrees are enforced for them. When Judge Earl, sitting in the Court of Appeals, decides that one man owes another man a thousand dollars, he does not go himself and compel the defendant to pay the plaintiff; that is done for the court by another branch of the government. It is done by the sheriff, if necessary by the *posse comitatus*; if the *posse comitatus* is not enough, by the militia; if the militia is not enough, by the army of the United States. The decrees of the court, with few if any exceptions, are enforced not by the court, but by the executive department of the government. What we are contending for is not an executive to compel the nations to obey decrees of court; what we are contending for is this: by a common agreement, the

organization of a tribunal which shall decide what is just between nation and nation. Professor Clark has shown very clearly that the enforcement of justice will come, not from above, over the nations, but from below, within the nations.

For this purpose we insist upon a permanent tribunal. Let us understand what that means. A permanent tribunal does not mean, as has been implied on this floor, a court of six or nine or twelve men sitting twelve months in the year, most of the time with nothing to do. It means a body with a permanent judicial life. Its permanence does not depend upon the permanence of the personality of which it is composed. The State of Iowa has a legislature which sits three months out of the twenty-four, but it has a permanent legislature. The Supreme Court of the United States is a permanent tribunal, and yet I venture to say there is not a person on the bench to-day who was there when our presiding officer was a boy. The permanence of the court does not depend on the permanent tenure of the individuals that constitute the court; the judge is not the same, the jury is not the same. A permanent tribunal means this,—not the same men sitting continually, not necessarily the same men sitting to try any two cases; it means the public official recognition of a tribunal which has a judicial history and a judicial life. That is vital, for two reasons; first, because the very existence of such a tribunal prevents controversy. The very fact that there is a body to which two men may come prevents their getting into a battle. And second, because a permanent tribunal, by every decision, settles a principle as well as a controversy.

I do not remember the year,—it was somewhere about 1830, I think,—that a question was submitted to the Supreme Court of the United States, whether the State of New York could grant a license giving Fulton a monopoly to run steamships on the Hudson River. The controversy arose between the State of New Jersey and the State of New York upon that point. When the Supreme Court of the United States said, “No, the navigable waters of this nation flow unfettered to the sea, and no State may build a bar across them,” it decided not merely what Fulton might do, what New York might do, but for all future time what was the law regulating the navigable waters of this great continent. Courts of arbitration, that is temporary courts, grow out of a quarrel, to settle that quarrel; they disappear when the quarrel is ended, and settle nothing but the quarrel. Courts of law create, interpret, declare, establish, maintain, those great principles of jurisprudence by which the community is governed in the future. This, therefore, is what we stand for: a judicial tribunal, having a judicial continuity and history, so constituted that it may officially interpret and apply the great principles of justice between nations.

But it is said, there are questions we cannot submit to such a tribunal. I think some gentleman on this floor said, “Suppose a footpad attacked you in the street, would you submit that to arbitration?” I should, instantly. The first thing I should do would be to cry “Police!” and when the policeman came I should say, “Take this man to the police court, and I will go too, and we will

have that permanent court of arbitration decide whether I keep my watch or he shall have it." It would only be in case there was no court to which I had access that I should defend myself; and as I am not much of an athlete and never go armed, I should probably surrender my watch! All questions between man and man are submitted to the decisions of a court. All questions between State and State are submitted to the decision of a court. And the principle that all questions between nation and nation shall be submitted to the arbitrament of an impartial tribunal would not detract from the sovereignty, the safety, the dignity, or the nobility of a nation.

Let us not be mistaken; let us not misunderstand. The issue is between the animal and the spiritual. It is between the child of the tiger and the child of God. It is between reason and brute force. It is the issue between Christianity and barbarism. Let us not misunderstand; the proposal introduced into the Senate of the United States,—I am glad to say, apparently not seriously entertained by that dignified body,—to appropriate a hundred million dollars for fortifications along our seacoast, is not a proposal for national defence. Who proposes to put forts along the Mexican border? Who does not know that from the mouth of the Penobscot to Vancouver the long border line between Canada and the United States is without any fortification, and the lakes without a man-of-war, because England and America have agreed that it shall be so, and we live in peace? What do we fear, that we must spend millions on millions of dollars upon coast fortifications? Spain? For twelve long months she has been trying to put down a handful of guerillas in her own Cuba, and cannot do it! Are we to stand in dread of her? Or England? A hundred years ago, when we were but thirteen feeble States, with scarcely as large a population as now makes up the Greater New York, she tried in vain to conquer us. No, let us not misunderstand the issue. On the one side the proposal of prodigiously increasing navy and army and fortifications is a proposal that appeals to the tiger in man; on the other side is the proposal for a permanent tribunal, which shall administer justice between nation and nation, as for many many centuries courts have administered justice between individual and individual, and for a hundred years courts have administered justice between State and State upon this American continent,—a proposal for the maintenance of law and the supremacy of reason. (Applause.)

At the close of Dr. Abbott's address, Mr. Samuel B. Capen stated that Mr. Edmunds was obliged to leave before the Conference closed, and presented the following resolution in reference to his services as presiding officer:

*Resolved*, That the thanks of this Conference be extended to the Hon. George F. Edmunds, who has presided over the deliberations of this Conference with such wisdom and courtesy. As the great constitutional lawyer of our country, his knowledge of international law and the history of the nation during its whole existence has made his suggestions of the greatest value throughout our sessions, and has contributed much to the success of this Conference.

The resolution was received with applause and was unanimously adopted.

JUDGE EDMUNDS: The Chair begs to express his profound sensibility of the very flattering terms of your resolution; they are more flattering than the Chair could ever hope to feel that he could deserve. Whatever success the Chair has had in the not very turbulent body he has had the pleasure of presiding over, has depended entirely upon those circumstances upon which will depend the success of the efforts that we are making for the accomplishment of the amelioration of the condition of affairs between nations, and that is the good sense, the intelligence, the courtesy, the true-hearted manhood and womanhood of this assembly, and of the people of the countries with whom we wish to deal. That is the fundamental thing upon which all rests. We sometimes say the people are different from their governing powers, that it is the politicians or the Congress or the Parliament who are to blame. And yet we must know, if human society is to exist at all under what are called free governments, that taking the long run of time which we must always keep in our minds in judging of the conduct of nations, parliaments, politicians, congresses, and legislatures, these are the average representatives of the average morality and the average intelligence of the people who follow or appoint them.

Perhaps it is a little out of place in returning acknowledgments for your kindness, but I have felt that it was somewhat singular that when, as we are told by our friend from Great Britain, the people of England, during the Civil War, were friendly to the United States, yet the parliament elected by the people took no steps, so far as we are informed, to manifest that sympathy, or to turn out the cabinet which was assisting the Rebellion by indirection. The same may be said of the Congress of the United States and of the legislatures of many of the States in their action upon many questions; it is impossible to understand how such things can be. And below and behind all there is the consideration that every nation is responsible, upon principles of morality as well as of international law, for the conduct of its servants and governing officers. If an injury is done to the United States, through the misconduct or the fault of the governing power of any nation, the people of that nation cannot stand back and say, "We will not make reparation, because we did not mean that our kings and authorities should do this thing." It is fundamental to what we have to do, this responsibility of the whole body of the people for whatever its governing authorities do, in respect of their international affairs.

All this, indeed, is too obvious for me even to refer to. I have now only to say that I hope for success in the deliberations of tomorrow and in the conclusions which you shall finally reach, and in the declarations which you will make. While I agree entirely with the utmost which can be said in favor of universal peace and concord,—not in concentration of international powers for regulating all their affairs; for I believe, democrat and republican as I am,

that we are going too far and too fast in our country, as they are in others, in centralization as against decentralization,—I believe, as regards nations and States,—as we all believe as regards families, that home rule, according to different interests and different localities and different ideas of policy or religion, all within the range of peace and good neighborhood, is just as essential to the welfare of the nation as county or town government is among the inhabitants of New England. Therefore I hope that in your declarations you will keep in mind that it is far better for us,—for the ultimate purpose that we have in view, for the broadest application of the principles that we all believe in,—that we should only ask of our present administration, or of the next one, whatever it may be, those things that can be clearly made apparent to the hard-headed and practical men who may not be so far advanced in their hopes and solitudes as we are. If we ask too much, I am very much afraid we shall receive very little attention. If we begin by asking, firmly and respectfully, that something be done, which practical men will agree can be done and ought to be done, and done now, we shall have, I firmly believe, the glad co-operation of the chief magistrate of the United States, and very soon the earnest co-operation of even the present Conservative government of Great Britain. And I am sure we shall have the almost instantaneous agreement and co-operation of our sister and beloved republic of France. I again thank you, ladies and gentlemen, for the kindness of your expressions, and wish for you every felicity.

The Conference was then adjourned.

## Fifth Session.

Friday Morning, June 5.

At the opening of the session, at 10 o'clock, MR. SMILEY said :

Last night, when Mr. Butler finished that beautiful tribute to Austin Abbott, there seemed to be nothing more to say. But I want to say just one word of the great loss which we all feel in his death. For many years he has come here to our annual Indian Conference, and last year to the Arbitration Conference; and has brought to us his lively wit and his tender heart and his wise counsel. I never knew a man in the law who had such an intense desire to have the truth and nothing but the truth. I see him now, standing and weighing, lest he might lean a little too much to one side or the other. Indeed he was not so much a pleading lawyer as he was a judge. And then his decisions were so beautifully expressed! We shall greatly miss him and his sweet spirit. He had a woman's tenderness and the strength of a lion combined.

Mr. Smiley then nominated Mr. Robert Treat Paine of Boston for chairman of the Conference during its remaining sessions. He was unanimously elected and on taking the chair spoke as follows :

I thank you for this honor. But you will allow me first of all to express in your names the deep regret which we all feel in missing from this place and from presiding over our counsels that commanding presence that we have enjoyed looking upon these last two days. I do not know anything which adds more to the weight of this Conference than the fact that it has attracted to it men of commanding influence throughout the whole country as is especially illustrated in the character and reputation of Senator Edmunds. That is one of the facts which especially gives us confidence that this great cause is now spreading so widely and securing the adherence of such powerful men, that we may feel sure that we are just upon the eve of the consummation of what we have long hoped for.

We had the pleasure, yesterday morning, of an address by Mr. Cephas Brainerd of New York. Three or four years ago, when the Chicago Conference was approaching, which was held in connection with the World's Fair, a movement was made, among men interested in this great cause, to secure the presentation of a wise scheme for international arbitration. Three men were selected for that duty, who accepted it and performed it admirably,—William Allen Butler, Cephas Brainerd and Dorman B. Eaton, three eminent lawyers of New York. A scheme was prepared, submitted at the Chicago Congress, put in print and circulated, and is one among several documents that have commanded the attention and received the respect of thoughtful students of this great question. Several other schemes have been presented; so that perhaps all



that any of these committees can do is to formulate the best scheme they can conceive; and among all these schemes the statesmen of the world will before long select what best commends itself to their judgment. This morning it will be a great pleasure to us that we shall hear first from MR. WILLIAM ALLEN BUTLER, who has given to this matter deep and careful and wise consideration:

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### ADDRESS OF WILLIAM ALLEN BUTLER.

*Mr. Chairman, Ladies and Gentlemen,*—That was a wise maxim of Lord Bacon that in counsel all dangers should be considered, and in execution none. We have reached the point in the deliberations of this Conference where, having taken counsel, it will be in order to plan and determine for future action. In taking counsel, it has been most serviceable that so much time and attention have been given to obstacles and difficulties; and I think that the careful and instructive *caveat* which was presented last evening by our distinguished friend Mr. Kasson had its proper place in our deliberations. It was a wise caution against that raw haste which is “half-sister to delay,” against that precipitance of sentiment and imagination which sometimes impels fools to rush in where angels fear to tread. And yet, giving all due weight to those examples and instances which were deduced from history and from experience, it will not do to leave out of view, in any movement for reform and progress, that supreme element of enthusiasm which is its vital instinct and power. If Henry of Navarre, in the sixteenth century, could keep the peace of France as between Huguenot and Romanist, and could forecast a period of union among all the States of Europe, placing himself, for the moment, with his white plume, amongst those

“ Who, rowing hard against the stream,  
Saw distant Gates of Eden gleam,  
And did not dream it was a dream ”,—

certainly we, at the end of the nineteenth century, upon a higher plane of civilization and Christian faith, are not to be charged as dreamers or enthusiasts if we believe that it is possible, at this period of time to unite, for peaceful methods in the solution of international difficulties, the great nations of the earth. It is only an advance step in that cheerful optimism which enabled our friend Mr. Kasson to see, in the message of December last which came like a thunderbolt out of a clear sky, and scared two hemispheres with the apprehension of war, a message of “peace and goodwill.” (Laughter.)

Some things, it seems to me, have been settled already in this Conference; and I will briefly enumerate what I take to be the consensus of opinion here. In the first place, it seems clear that we have arrived at the conclusion that the basis of this movement is its moral force. The results that are sought here do not belong to the sphere of political economy alone, although political economy of course is in touch with them; nor yet to the relations between

labor and capital, although that is distinctly involved; nor even to the mere humanities, though humanity never was before such a life-saving institution as it is to-day. But above all, beyond all these, there is the quickened conscience, there is the awakened moral sense of the whole civilized world, in revolt against the horrors of war which have devastated the earth and drenched it with blood. And it is that voice of a quickened and enlightened conscience which is calling out, like the souls beneath the altar, "How long, O Lord, how long!" The force of such a moral power we cannot overestimate. No man who lived through the last days of the Slave Power and through the days of the war which followed and who recollects the instantaneous revulsion of feeling, the almost miraculous conversion of the North within twenty-four hours after Sumter had been fired on, can fail to have some sense of the power of a moral idea when it is once entrenched in the minds of a civilized, Christian people.

The second point in respect of which it seems to me we have arrived at a consensus of opinion, is that arbitration must be by agreement. The basis of all arbitration has always been agreement. And the basis of all agreement is the good faith of the parties: it comes to that at last. I care not what form of agreement is entered into, whether it is the marriage relation between individuals or a treaty between nations; it is the good faith of the parties upon which depends the execution of the agreement. And when it is broken, as it may be, the only redress is such as the law of the land may provide, or as force may control. Therefore it seems to me quite useless to discuss the question whether arbitration agreements or conventions or treaties will or will not be capable of enforcement. The whole matter of international settlement of disputes must rest upon the good faith of the parties concerned, and that, I think, we all have come to understand.

In the third place,—and here I quite agree with the view presented by Mr. Kasson last night,—whatsoever is done must be by the use of the existing means of international intercourse. It would be chimerical, it would be visionary, it would be entering upon a field from which we have been wisely warned off, if we undertook to substitute for the established means of international intercourse any new, untried, experimental power. Therefore I must respectfully dissent from the plan formulated by the New York State Bar Association, so far as it proposes to set up the tribunal of arbitration, or the permanent court, by some other method than that to be arrived at by the treaty-making powers of the nations in questions.

In the fourth place, a permanent tribunal seems to me to present, to the minds of us all, a better solution of this question than a commission of arbitration. Arbitration is a term which we use popularly, and which has also its legal sense. Popularly it means a resort to methods of settling differences outside those methods which the law has provided. And therefore the law frowns on arbitration, because it seems to be against public policy that private individuals, after society has provided the means of settling their

disputes, should agree that they will have none of those means, but will act to please themselves. Therefore, as understood in the popular sense, arbitration is against law, and where parties put a clause into their agreement that they will arbitrate, the courts will disregard it. But as between nations, as there is no tribunal superior to each sovereignty, it becomes absolutely necessary to resort by convention to what in the language of diplomacy and international law is called arbitration. But it by no means follows that the elements of private arbitration should be transferred and imported into this larger sphere of international arbitration. The international arbitration ought not to be so much an arbitration;—that is, the action of two parties selected respectively by the contestants, with an umpire called in to decide between them;—as it should be a tribunal governed by law, administered by the impartial methods of a permanent court. Therefore I submit that the weight of argument is entirely in favor of a permanent tribunal, to be composed in such manner as the contracting nations shall determine, and to have all the attributes of a court, which are permanence, organic life, freedom from disturbance by the dropping out of any particular member of the court, rules of procedure, a method of calling it into action on behalf of parties interested, and the power to deliver a binding decree.

Now we have;— and it has struck me with a little surprise that in all the discussions upon this subject which have been drawn to my attention this point has not been brought out;— we have to-day and we have had for centuries, going back into the antiquity of jurisprudence before the time of the Christian era, an international court in time of war. I refer to the prize-court, whose jurisdiction, as Judge Story says, in the case of the “*Emulous*” reported in 1 Gallison, “is found among the most venerable relics of ancient jurisprudence.”

A prize-court exists in time of war, with absolute power to administer international law with respect to all captures by belligerents upon the high seas. The sea being the common highway of all nations of the earth, in the exclusive jurisdiction of no nation, this fact led to the acceptance by the whole maritime world, by all the commercial nations of the earth, of the jurisdiction of the prize courts, which have always administered international law according to the rules of the civil law of Rome, in the simplest manner, but with an efficacy and a power which are absolutely binding. So that any man, in Marseilles or Alexandria or Hamburg, in time of war, seeing the flag of an auctioneer indicating the sale of a vessel captured on the high seas by a belligerent, brought into port for adjudication, and condemned by the prize court, can bid and buy and get a title against all the world.

Now is it not a striking thing that the nations of the earth, impelled by nature and necessity, have from time immemorial set up and acquiesced in the jurisdiction of a court whose doors, like the gates of the Temple of Janus, are shut in peace and open in war, hesitate to come together on a like basis and have a court whose doors shall be opened in time of peace and only closed in time of war?

As to the practicability of creating such a court, I will say only a word. We have the opinion of Judge Brewer, the president of our present Venezuelan Commission, that it is entirely practicable in his judgment. As for authority, I would rest the argument on that opinion. As to fact, I would point to what has been referred to here so often, the action of Congress, the action of the British Parliament, and what Mr. Kasson referred to last night, the action of the legislative department of the Republic of France.

The points which I have enumerated having been quite definitely settled, as I submit, what remains is by definite, concentrated, judicious action to impress upon the minds of the community here, in England, and in Europe, these cardinal principles, and then to press upon the Executive of our country, and in all proper ways upon all the organs and instruments of official action charged with duties and responsibilities which are germane to this subject, prompt, timely, wise and efficient action looking to the establishment of a permanent tribunal.

I am decidedly in favor of confining what is to be done for the present to England and France, for reasons that have already been urged and which I think have commended themselves to the judgment of the Conference. When General Grant visited Europe, Judge Edwards Pierrepont, an able lawyer and judge of New York, was our minister at the Court of St. James. He told me that he planned to give a dinner to General Grant, which the Prince of Wales had agreed to attend, and to which he invited the entire diplomatic corps. He received a very polite note from the Turkish ambassador, who was the Dean of the diplomatic corps, saying that they would be happy to come, but it was his duty to notify the minister that, inasmuch as General Grant had ceased to be president and was only a private citizen, the members of the diplomatic corps, official representatives of existing sovereigns, would expect to take precedence of him at the dinner table. Judge Pierrepont immediately had a large diagram made of the dinner-table and of the seats prepared; at the head he wrote his own name, on either side he placed General Grant and the Prince of Wales, and he then sent the diagram to the Turkish ambassador, and told him that he could fill up the rest. They all came,—every mother's diplomatic son of them! Let us take a leaf out of the book of diplomacy. Let us have the United States and Great Britain at the head of this table of conciliation; and my opinion is that the other powers would hurry to get their legs under the same mahogany.

As to all other details, we must fall back upon one thing that I have noticed has commanded universal assent, and that is the spirit of invention and accommodation and progress and the indomitability of the Anglo-Saxon race. Judge Jeremiah Black, who our friends from Pennsylvania know was one of the ablest and brightest men we ever had in public life, once told a story in my hearing, of an old Dutch Democrat who came from that part of Pennsylvania where the tradition is that they kept on voting for General Jackson a good many years after he was dead. At all events, he was a thorough Jacksonian Democrat, and somehow he got into Congress.

The Whig party had a measure which they were trying to pass, and the leader of the Whigs on the floor closed the debate with a passionate address, in which he declared that the passage of the measure was essential for the progress of the Anglo-Saxon race. The vote was taken, and to the amazement of all the Democrats, this old Dutchman voted Aye. They rushed in, told him his vote was wrong, and begged him to change it before it was too late. "No," said he, "I always goes mit der Anglo-Schackson party." Now I am a pronounced,— not a mispronounced,— Anglo-Saxon, and I have the utmost faith in the ability of that race which has done so much on both sides of the water for the advancement of human rights, for the establishment of liberty in its largest and highest sense, and for the establishment of a true Christian civilization, to work out this problem of international arbitration with the strength that levels obstructions, and the faith that removes mountains. (Applause.)

MR. PAINE: The Business Committee instructs me to declare that ten minutes is the time-limit hereafter. I have the pleasure now of presenting to you the HON. F. H. GILLETT of Massachusetts.

MR. GILLETT: I had supposed that I was invited here as a target, and not as part of the battery. I knew that the Indian Rights Association generally bring with them one or two of the aborigines as illustrations of the need of work and the hope for future advancement; and I concluded that I, as a member of Congress, was invited in that capacity, in order that you might be convinced by ocular demonstration what barbarism there was to be eradicated, and what possible germ for future development.

I have in the past taken occasion, in my own district and among my own constituents, to advocate arbitration. But to such an audience of specialists and experts as this I shall not attempt to air my views. I will simply attempt to suggest some practical difficulties and facts which have come under my observation.

Everybody agrees with us in the justice of our cause. I was informed by a member of the Foreign Affairs Committee of the present Congress, that the committee was unanimous in favor of arbitration of international disputes. But he said that they had grave doubts as to its practicability. I think we may assume that everybody agrees as to its desirability; I think also we may feel that it is unquestionably a winning cause; we cannot doubt that, if we believe in the advancement of civilization. It is less than half a century since public opinion abolished the duel in this country, and now duelling seems to us a barbarism of the Middle Ages. And so it must be with war. All government is organized primarily for the security and preservation of the life of its subjects, and this barbarous anomaly of occasionally and systematically destroying those very lives it is organized to protect cannot long exist when public attention is directed to it.

I think it is not extravagant to say, however, that during the last

session of Congress ninety per cent. of the American people have been ready to support Congress in war or measures that would lead directly to war. First the Armenian question came up, exciting sympathy and a willingness to support warlike measures in that most peaceful part of the community, the Christian church. Then came the Venezuelan question, and then the Cuban question; and among them all I think it is conservative to say that ninety per cent. of the American people have at different times been willing to support Congress in going to war. If that is so, there is some need of trying to obviate this danger. We must not forget that men of war have on their side a great principle of human nature. Lord Palmerston once said that man was by nature a fighting animal; and he managed to keep control of England for a generation by appealing to that instinct. We must remember that there are tendencies and arguments against us, and that we must face the difficulties.

One suggestion has come to me from a gentleman of distinction and influence in Washington. He said that it was difficult to make a treaty of arbitration with England, first because of the Monroe Doctrine. American sentiment will insist upon the Monroe Doctrine in its present general acceptation, which is that we have a right to prevent European encroachments upon this continent. That England has never admitted, although she first instigated it. And another objection, he said, was that England is willing to arbitrate with a strong nation which she fears, but wishes to be left free-handed to deal as she pleases with the weaker nations.

I think I ought, in fairness to the gentlemen here from England, whose statements of the friendly feeling towards America I have been so much pleased to hear, to say that I differ from others who have spoken, and that I do not think the dominant feeling in America towards England is kindly or friendly, compared with the feeling towards other nations. It comes partly from our early training in school; but still more, as I believe, from England's action during our Civil War. I think there is left among unthinking people a strong instinct of hostility to England. And I think even the intelligent and thoughtful citizens, wishing as they do to be in full accord with our kindred, recognizing that the English-speaking races ought to act together and that civilization rests upon them, yet cannot help feeling that in the Civil War England was actuated neither by friendliness nor by sentiment, nor by the spirit of civilization, but by a cold calculating greed of our commercial and industrial success, and hence that she would prove a selfish and unreliable ally even in advocating peace.

As to the statement made last night, that the feeling against England was largely caused by the desire of both political parties to catch the Irish vote, I would suggest that in the whole Southern States, where the flame of war was as strong as anywhere, there is no Irish vote to speak of; and that in New England, where I live, it is preposterous for any Republican to expect in the present state of affairs to get any Irish vote. In those two sections of our country that explanation could not hold. I believe that there is, regret it as we may, a strong national feeling of resentment against the

English people which we cannot disregard in estimating the obstacles which we must overcome.

The suggestion has been made in this Conference that Congress has misrepresented the American people. That statement, I think, will excite in our English friends mistaken and delusive hopes. I do not believe that in its warlike manifestations Congress has even come up to the desires of the American people. In the long run, the one criticism you cannot make upon Congress is that it is misrepresenting the people. The thing that has impressed me most, in my three years of Congress, is that the one desire, the one purpose, of Congressmen, is to represent the people. I think they would do better if they would try less anxiously and cringingly to represent them. Their ears are always to the ground, to find out what public sentiment is. I candidly believe that Congress knows the American sentiment better than this Conference does. And I believe that what you may rely upon, what you must rely upon, is that Congressmen, actuated by selfish interest, are going in the long run to represent exactly the majority of the people. And that fact to my mind proves the utility of such a Conference as this. It will help educate the people, interest them and give them ideas on the subject. And just so soon as you make the American people want arbitration, do not fear but that Congress will be very prompt and nimble to respond to that popular feeling. (Applause.)

The next speaker introduced was MR. ALFRED H. LOVE of Philadelphia.

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#### REMARKS OF MR. ALFRED H. LOVE.

Verily, good friends, we have come upon the mountain, and He has taught us. My soul is filled with gratitude, thanksgiving and praise. It seems the realization of a life-dream, and I can only say, with Whittier,

“ What are we,  
That our eyes this glory see,  
And our ears have heard the sound? ”

The question before us seems to me very easy of solution. We have an ideal; the Father who gave us that ideal, in the fulness of his power and love and goodness, will give us the means of realizing it. If we deserve peace we shall have it, and not until we deserve it. The Angel of Peace stands at the door and knocks, and will come in and dwell with us whenever the house is clean enough and we are ready to receive her.

I want to feel that we begin with the children. We who are here cannot live always; we must provide for those who come after, and teach them our principles. Children must be taught early in life; even the songs which the mother sings may be an education. Mothers, you can introduce into the child's life an education for peace. And if there is one thing that I miss in this convention, it is that I have not heard a woman's voice. We have had a great deal said of our good host, and he merits it all and more; but there seems

to be a mistress who presides over this house who has made every thing so very comfortable during our stay, that I feel as if the gratitude we all have for the woman and the mother element should be expressed. (Applause.)

Then, as the boy grows, I want he should be educated and drilled in the arts of peace. It can be done in colleges and seminaries. You can have the science of arbitration in your curriculum, you can have mock trials of arbitration. What we need is that we may be fit to arbitrate. We need to have arbitrators educated, a reserve force to be ready when the time shall come for the great tribunal. We need have no fear that our permanent court of arbitration will be idle or an unnecessary expense; the standing armies have long been standing idlers and a much heavier expense. Do not let us stop for exceptions or limitations. How would it have sounded if Moses had written, "Thou shalt not kill," *except* in self-defence, for honor or country; "Thou shalt not lie," — for instance, to sell a bill of goods; "Thou shalt not steal," *except*, thou want some other person's country? Or if Jesus had said: "Love your enemies," — *except* when they impose upon you; "Return good for evil," — *except* when it comes to personal liberty or boundary to nations? We do not want any exceptions in a good thing. A thing that is good to-day is good to-morrow and forever. Exceptions will take care of themselves.

Working out this plan, with the child, with the school-boy, with the young man, we come to courts of arbitration in different departments of active life. As a merchant, I say let every merchant put into every agreement that he makes, a provision for arbitrating any difficulty that shall come up. Our Chamber of Commerce in Philadelphia has not had a court case in seventeen years; we settle everything by arbitration. So let it be the world over, that in all departments of life we may be schooling ourselves. Then the Congressman carries this principle into Congress, and the jurist and the statesman abandon the legacy of barbarism, the military system, and are prepared for the higher system of a permanent court of arbitration.

There are three grades in the adjustment of difficulties: first, mediation, then arbitration, then conciliation. We will mediate, we will "bear one another's burdens;" it is part of our business in life to feel that interest in one another. Next comes arbitration: "Come let us reason together," — that has high authority. Then comes conciliation, as a natural effect, "as kindred drops mingle into one," giving unto one another that which is right. If we "do justly, walk humbly, and love mercy;" if we are thoroughly indoctrinated with those things that make peace possible, by removing the causes and abolishing the customs of war, by promulgating the conditions of peace; — then peace will come, as God sends his light and heat from the sun. It is the law of reciprocity, the animating principle of arbitration, that bringeth peace, the sum of all virtues:

" 'Tis compensation fills our days,  
And makes this grand old world go round;  
Take and it costs, give and it pays,  
Measure for measure, pound for pound."



Mr. Paine then invited remarks from HON. MATTHEW HALE of Albany.

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### REMARKS OF MR. MATTHEW HALE.

*Mr. Chairman, Ladies and Gentlemen,*—It is a fact, perhaps a fact to be regretted, that the governments of Great Britain and the United States have not empowered this Conference to formulate and decide upon the plans which shall govern those nations in the settlement of disputes by arbitration. That is, perhaps, one of the gravest mistakes that those governments have ever made. But we are here confronted, if I may quote the language of an eminent citizen of the United States “by a condition and not a theory.” You are all familiar with the story of the meeting of the three tailors in Tooley Street, who issued a manifesto headed, “We, the People of England.” I do not mean for a moment to intimate that there is any analogy between that meeting and ours; but after all we must recognize the fact that whatever is to be accomplished toward the ends that we are looking for is to be accomplished by certain governmental agencies which exist, and by whom this work is to be carried on.

What, then, are we here for? Not to settle the affairs of the world, not to say what Great Britain shall do, what the United States or what the Republic of France shall do. We are here to do our part toward educating public sentiment. The Conference sitting here a year ago did a great deal toward promoting a proper public sentiment; progress has since been made in the sentiment of the members of this Conference. But those of us who recollect the feeling that was manifested last December throughout this country and apparently throughout England, cannot say that the people of the United States and of Great Britain have, up to this time, been educated to a point where there is to be no war apprehended between these nations. The war spirit still exists, and a very slight conflagration will cause an explosion.

Our friend from Massachusetts is a little inclined, I think, to exaggerate the extent to which Congress has represented the sentiments of the people of the United States. Members of Congress are very apt, in meeting together and talking about what their constituents feel, to work up a supposed public sentiment which does not exist. The sentiment among members of Congress at Washington is often an exaggeration of the sentiment of the people of the United States. We know how that feeling which was expressed at Washington, and which seemed to pervade the country, was followed by a reaction which showed that among the thinking people of the United States there was a sentiment for peace and in opposition to war. We have, therefore, a double public sentiment; our aim should be to promote the sentiment in favor of peace, to calm this surface sentiment in favor of war.

I have the honor of being a member of the New York State Bar Association, and the plan formulated by that body seems to me a very good one. But I do not think that either a Bar Association

or a Conference like this is occupying its time to the best advantage when it formulates detailed plans. What we want to do is, first, to do what we can to educate public sentiment; and next, to communicate to the authorities the fact that we and other associations representing to a certain extent the public sentiment of the country are in favor of a permanent and general system of arbitration rather than a continual system of devising special arbitrations. For this reason I was pleased with the suggestion of Dr. Gallaudet. It seemed to me that his resolution met the occasion admirably. Whether we are to have a permanent tribunal,—that must be left for the decision of the diplomatic agencies of the governments involved. What we want is a system, under whatever name, by which the nations may agree in advance that their differences,—such differences as they may agree to submit,—shall be submitted to a court or tribunal to be designated or appointed in a certain way, the method of the creation of such a tribunal to enter into the original agreement.

The point which ought to be impressed upon this Conference, and which was impressed upon us by the admirable address of Mr. Kasson, and which was so plainly and so often expressed by our honored president, is that what this Conference should principally attempt in whatever declaration is to be issued here is to influence public sentiment, and the administrative department of the government, in favor of such a general and permanent system. The influence of this Conference, representing as it does so many men of eminence from different parts of the country who have been distinguished in the service of the country in different departments, should be cast in favor of something which is likely to be adopted. It will not do for us to advance our particular views as to details and insist upon them, or we shall lose all influence. But if a declaration shall go forth from this Conference such as I believe will be adopted, I have no doubt that it will have great influence with the administrative authorities of this country, with the diplomatic representatives of this country, and perhaps with those of Great Britain, in leading them to establish a system of arbitration, court of conciliation, court of arbitration, or whatever name may be given to it,—that will lead to the settlement of differences between those nations by the arbitrament of peace rather than the arbitrament of war.

MR. PAINE: I will now ask Mr. Hodgson Pratt, whom we have welcomed with so much pleasure, as an illustration of the deep interest which men in Europe are taking in this cause, to present to us some messages which he brings from some of the illustrious workers in the same cause on the continent of Europe.

MR. PRATT: Less than three weeks ago, I took part, at Berne, in the proceedings of an important European body,—which is also represented in the United States by Mr. Alfred Love,—the International Bureau of Peace. I then mentioned my intention of attending your Conference, and was particularly requested by four gentlemen to express their great regret that they were not able to take part in these proceedings.

I mention first the name of Fredrik Bajer, chairman of the International Bureau, late a member of the Danish Parliament, and who comes all the way from Copenhagen to Switzerland, to attend its meetings. He is a man of large public experience, has been in the Danish army, and now gives his chief time and energies to the sacred cause which brings us here.

Next I desire to mention the regret of Elie Ducommun, the honorary secretary of the Peace Bureau, just mentioned. He is the secretary of one of the most important railways in Switzerland, and brings to the conduct of this international office abilities and experience of the greatest value. These self-imposed duties are not light, inasmuch as they increase from week to week and from year to year. His devotion is so great that every spare hour he can save from his responsible Railway management is given to the work of the Bureau; and this latter constitutes a most important and hopeful agency in the progress of peace in Europe.

I bear also a message of regret from a noble man, advanced in years, but young in heart and young in energy, because inspired by a sacred cause. I speak of Frederic Passy, the chairman of the French Arbitration Society, a man distinguished for his economic knowledge, a member of the Institute of France, a late member of the Chamber of Deputies and a member of the Council of his Department. Frederic Passy also sends you greetings, and his great regret that he cannot assist in these meetings. He, also, probably does not pass one single day without giving part of it to the promotion of international arbitration and peace.

I beg also to express the greetings of M. Emile Arnaud, the president of the International League of Peace and Liberty, an old society which has done excellent work, especially in framing projects for international treaties and in dealing, very impartially, with international questions; owing to the great talent and devotion of its late president, Charles Lemonnier, a name which, when mentioned, causes our annual assemblies to rise to their feet in his honor.

And I bring you regrets from one of your own countrymen, whom I had the pleasure the other day to meet in New York,—Mr. William E. Dodge, who greatly desired to be present, and commissioned me to express his regret that his immediate departure for Europe would preclude him.

MR. SMILEY said that he hoped that some prominent English workers for arbitration would attend the next Conference, as well as some from the Continent, and he would be glad of suggestions from any member of the Conference as to persons whom it would be desirable to invite from Europe.

MR. PAINE then announced that the meeting was open for brief remarks in discussion of the points which had been presented, and that the freest expression of opinion would be welcomed.

RT. REV. C. D. FOSS: I have the honor to belong to a branch of the Christian Church numbering two and three-quarter millions

of communicants, which has an absolute rule forbidding its members to go to law with one another. It has been so from the beginning, and a resort to the civil law for such a purpose is in violation of the law of the church and subjects a person to discipline.

I beg leave to suggest that one step forward in public influence is to be taken by direct appeal to the Christian churches, through their pastors, their Sunday-schools, and their young people's societies, in favor of arbitration and peace. I could wish that the proceedings of this Conference might go to every Christian minister in the land. For, after all, one of the foremost moral forces in any free country where the Bible is honored and loved is the Christian ministry; and we must depend upon the Christian ministry and the Christian Church, in large measure, for our indoctrination on moral questions.

PRESIDENT E. D. WARFIELD: I feel as if it were the duty of one who has felt himself somewhat in a strange element in this Conference to add his mite to its considerations. I am a good deal like Mr. Gillett in my view of what the American people, as a whole, think. I have been president of a college now for eight years, and part of the time I have been lecturing on international law. I have tried to teach international arbitration to every class, and have invited expressions of opinion. The other day I got the first essay which has come square out in speaking for arbitration under all circumstances. These young men seem to me to illustrate the feeling that prevails in their own homes and in the public atmosphere around them.

I believe in international arbitration. I believe that the great mission of America is to preach the gospel of peace. I believe in the gospel of our Lord and Saviour Jesus Christ, in its fulness and its power; and I believe that its power is manifested in no way much more clearly than in converting a man of my fighting Scotch-Irish-Presbyterian-Kentucky blood into believing in peace. I was educated at the University of Oxford, and I lived in an atmosphere there that kept me with my fighting clothes on a great part of the time. The great mass of the working people over there are in favor of peace, and especially of peace with America. But the ruling class believes that the hope of England is through aggression. When the honored guest of England to-day is Dr. Jameson, however much his guise may be that of a prisoner, we can see that a great many people still represent English aggression. And we can realize that the same thing may be true here, where a Cuban filibuster is honored in many parts of the country. We need to realize we have to convert our own people quite as much as our brethren over the sea.

In order to do this we must meet this spirit by agitation. I believe in the old idea that agitation, agitation, agitation, is everything. We meet together here as practical men. I am willing to forget that my grandfather was one of those who went with the Kentuckian regiments to the River Raisin. I am glad to forget that my grandmother bore to her grave the slash of a sword upon her cheek, inflicted by one of Tarleton's men because she would not entertain them in her house in Virginia. These are relics of barbarism; we have out-

grown them. But there are thousands of our fellow-citizens who do not like to forget them. The day after President Cleveland's message came out I took a train for the West, and it seemed to me I heard nothing on the road but war. All my college friends at Dayton were organizing a regiment; they had it almost ready to offer to the government. When I went to St. Louis, the same sentiment was heard among the people with whom I was associated. The memory of the distinctions won in the late war had been aroused, the love for adventure, that love for making a reputation which is, after all, a part of the heritage of our people and a thing we unconsciously glory in. "Peace hath her victories," but also war had her glories, and we must eradicate that out of our people by a long and difficult course of education.

A practical suggestion which I wish to make is that in each of the Chautauqua assemblies there should be one service in the interest of international arbitration. If we could enlist those who have been working in that organization to do this work of educating the people, I believe it would have a great effect.

MRS. FRANCES J. BARNES: I felt, when the friend from England spoke, bringing the greetings of those in that country, that the moments of this Conference were too precious to apologize for the intense interest I feel and the desire to notify those who have gathered this morning that at this very time, in London, is a gathering of the British Woman's Temperance Association, consisting of thousands of women. The Scottish section have brought with them a resolution, urging "arbitration and a permanent tribunal."

Now I speak to the women who are gathered here,—not merely upon the question of peace, for you observe, in the notice which I read, it was "upon arbitration and a permanent tribunal." Last evening, when we heard of the old cathedrals we thought of the tracery around them, we thought perhaps of the beautiful windows, we thought of the lilies of the tracery. And so, dear friends, in this sentiment that we are working for, we must remember the lilies in the homes, those who believe in purity and in peace. I thought of the influence of that Baroness who had written the book which had stirred the hearts of the people.

Another of our brethren said we must remember the strength of ideals. Then I thought of the unity and dignity which would follow if we had such a court of arbitration, and also of the international contentment and goodwill. These are some of the trophies of peace, and it seems to me that if those were followed out there would never be an ultimatum of physical force, but rather of moral and spiritual force. And that mental and spiritual force which should rise above all others could never be gainsaid by any nation. We should have our Henrys of Navarre, we should have our Joans of Arc, but their plumes would always be the white plumes of peace.

You know the old song says, "We'd have those who make the quarrels be the only ones to fight;" but we would have none to make the quarrels, and there would be none to fight.

Mrs. Browning said, in the "Mother and Poet,"

"Both boys dead? But that's out of nature. We all  
Have been patriots, yet each house must always keep one.  
'Twere imbecile, hewing out roads to a wall,  
And when Italy's made, to what end is it done,  
If we have not a son?"

Let this road be not "to a wall," but to a successful court of arbitration, that we may have our sons, and our daughters also.

DR. W. A. P. MARTIN: We have heard much of the Occident, not one word from the Orient. I come from the freshest field of battle recorded by history, from a region which is supposed to lie quite outside of the scope of arbitration or international law. But, like President Warfield, I have been engaged the greater part of my life in instilling the principles of international law into the minds of young men. I have made it a point, in the lectures to those young men of the Orient who are being trained for mandarins, to insist upon the doctrine of arbitration in settling international difficulties. I have seen indications, on the part of the empires of China and Japan, of a disposition to welcome a movement like that which is going on in our own country; but it must come, not by the most direct route, to the west, but through Europe, beginning with England, gathering force as it goes on, until it shall sweep victoriously through the whole of the Orient.

In 1858 I saw the prime minister of China take up a pen and add a clause to a treaty that was being negotiated with the United States, stipulating that in every difficulty that should arise between China and other nations, the United States should offer her good offices for the preservation of peace and the maintenance of Justice. And that clause was due, not to the diplomat who negotiated the treaty on behalf of the United States, but to the Chinese prime minister.

GEN. EATON: Does not the same exist in our relations with Corea?

DR. MARTIN: I cannot answer definitely, but should think that it would be so, being copied, probably, from the treaty with China.

In pursuance of that treaty, when England and China were on the verge of war, when the British minister, Sir Frederick Bruce had struck his flag, when all communication between the two nations had ceased, I saw the Chinese minister go to our American minister, the lamented Anson Burlingame, and invoke his aid. He came forward, with that magnificent power which no man ever excelled, and after laboring for two or three days he succeeded in bringing about an understanding, the British flag was raised again, and peace prevailed in that empire. It was in pursuance of the same treaty, that our American ministers, as you have been informed by the telegraph, introduced the negotiations which brought about peace between the late belligerents in the far East.

I have seen another achievement in the same line which redounds to the honor of Great Britain. In 1876, when Japan had made a

descent on Formosa, determined to seize that island, on which she had something like a hereditary claim, and when the Chinese were very tardily collecting their forces to drive the Japanese out, the British minister of that time, Sir Thomas Wade, came forward as a mediator. By his personal weight, backed up by the prestige of his empire, he succeeded in bringing the Japanese to consent to go out of the island, and bringing China to consent to humble herself by acknowledging that she ought to pay an indemnity, and thus peace was preserved. As I met him going to the final conference which brought about this result, I shook his hand and said, "Blessed are the peacemakers."

China is a pacific country; if it were not so, it would be the worse for the rest of mankind. They make, as Lord Wolseley and Gordon have both said, the best soldiers in the world; they only want military leaders. Why have they no military leading? It takes military teaching to make military leading, and the Chinese theory of government is: "We teach our mandarins civil law, we do not teach the art of war." Until recently there has been no military school in the whole of China, while the education of their civilians has been something which in many respects wins the admiration of all mankind. The Chinese do not hold the military in very high esteem. One of their sages says: "When you conquer your enemy by force, his better part remains unconquered." They believe in conquering by persuasion and by principle; and by these principles they are prepared to welcome the movement for arbitration.

But this movement will not reach them in the form of an organized court, to which they are invited to come forward and submit their disputes, nor will it reach them, probably, in many other forms which have been suggested. Yet this movement may go forward in a double stream, one of which shall aim at settling matters, first of all, with Great Britain. The promise of the conquest of the world is gained when we have gained our brother. Let us gain our brothers of Great Britain, and induce them to form with us a permanent court for settling our difficulties. We cannot go so far with the nations on the Continent; I know the temper of many of those nations, and they are not prepared for it. But let us take a hint from the Red Cross Society. That society sprang from the heart of Henri Dunant of Geneva. It sprang from small beginnings. There was a convention representing but few powers at first, and the adoption of that convention opened the door wide for the admission of all other nations, and one after another has given in its adhesion. And let me say that Japan, the victor in the late war, Japan which is looming up as one of the great powers, has given her adhesion to the Red Cross, and the empress of Japan is its patroness and has herself contributed eighty thousand dollars for its support. Let the treaty be formed in such a way, and left open for the admission of the Eastern nations.

REV. A. G. LAWSON, D.D.: At Ocean Grove a day has been assigned this year, the whole of which will be given to the subject which we are considering. I hope that it may be the beginning of

movements through all the Chautauqua and kindred societies, throughout our land, to bring this subject to the consideration of the people.

DR. MOWRY: This is my tenth summer at Martha's Vineyard, where we have the oldest of the summer schools for teachers. Last year we had 725 teachers there representing thirty-nine states. I shall take special pains at the coming session to present not only the general subject of peace and arbitration, but a report of this Conference.

GEN. EATON: I delight in having the highest ideal, but I feel especially satisfied when I can see also the practical way to its solution. I felt this especially when our eminent chairman said that the initiative point was the diplomatic effort of our government, and that our pressure should be put upon the President and Secretary of State. And when my friend, Dr. Gallaudet, offered his resolution, I felt that in it we had the expression that led us that way. If the executive department can realize one step, then the next step is legislation of the separate governments, confirming this action. And then there will come the constitution of the court, and all the forces to carry out its purpose.

I was delighted to hear this morning how international law had proceeded much further in the line of regulating war than it had in the matter of peace. Do you know how many rules of war have become international? Do you remember how the two nations of the East, when they met each other in arms, changed their method of treating prisoners, under the influence of the idea of international law regulating war? I have a personal experience which you will indulge me in alluding to, as showing how the dissemination of that idea may reach even those who are not supposed to be affected by it.

The first time I was taken prisoner, it was by an irresponsible body known as Price's Blackberry Cavalry. The easiest way to dispose of me was to shoot me on the spot, and they did begin to cock their guns, for they were especially irritated by my having a colored cook with me. I saw the position, and I said to them, "Gentlemen, we are soldiers, and, I hope, men of honor. What are the rules of war?" They were wild young fellows, just out of the bush, but there was in their minds some idea of the rules of war, and they took me to headquarters. That is an illustration of what the outgoing influence will be of this matter of international arbitration. Once established anywhere, human nature will begin to respond to it.

I have been surprised that we have not had the relation of woman to this question brought out more fully. This century is characterized especially by the emancipation of woman; and I believe that emancipation is to be felt in a moral uplift which we are to feel, not only as individuals and as families, but as a nation. When you put the Chinese woman and the Indian woman in a different attitude, you will have different civilizations in those countries and different relations to other nations. The moral influence of



woman, which grows out of her purity and aspirations, will powerfully affect this question of ours.

Our friend from China has pointed out how our ministers have suggested peace, secured peace; they were qualified to do it. Let every friend of arbitration see to it that every man who goes into the diplomatic service goes, not from political motives, but from qualification.

MR. LOVE: A letter just received from Chauncey M. Depew suggests that we send to the platform committees of the political parties a statement of the question of international arbitration. It would be one means of educating the people.

MR. PAINE announced that the remainder of the session would be given to the subject, "What measures can be taken to develop public opinion in this country in favor of the substitution of law for war?" and invited, as the first speaker, MR. ROBERT U. JOHNSON, associate editor of the *Century Magazine*.

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#### REMARKS OF MR. ROBERT U. JOHNSON.

*Mr. Chairman, Ladies and Gentlemen,*— The time has come, in the movement for arbitration, when, in the practical direction of the work, a little more attention should be given to the Senate of the United States. If this matter is to come about, it must be through treaty arrangement, through the initiative of the President and the co-operation of the Senate. If the President and the Senate unite in favor of any such scheme, carefully worked out in detail, it can hardly fail to enlist the approval of the House of Representatives. I have been taught by experience that the Senate has in some respects failed to realize the conception of it by the founders of our government; it has certainly ceased to be the conservative branch of our system. We can no longer depend upon it to take of itself the dispassionate view of a body removed from partisan conflicts. It responds to the best public opinion, but that opinion must not be taken for granted. Those who are in charge of this movement should make clear to the Senate the overwhelming support which arbitration has among all classes of people. I believe that if a popular vote were taken to-morrow, three-fourths of the citizens of the United States would be found on the right side. This being the case, it is only necessary that the fact should be made evident.

In order to do this, it seems to me very desirable that this Conference should not scatter its fire. It ought to unite with the executive committee of the Washington Conference with a view to supplying documents to the clergy, to the press, to the workingmen's associations, the boards of trade, and various other influential bodies, with a view to organizing all this sentiment and bringing it to bear directly upon the Senate. I think this could be done very much as it was done in the campaign for international copyright. For fifty years in this country there was a great deal of talk about the need

of that reform, but there was never any organization until 1883. From that time until the passage of the Copyright Act in 1891, there were eight years of steady agitation. The arbitration movement is now in a far better condition than the international copyright movement was in 1883. In the first place, an interest is already aroused. The war feeling of last winter, if it did nothing else, was an ill wind which blew good in preparing the minds of the people for the seed of this movement. I would undertake to say that with so good a cause, three or four men, who were able to give their time and their effort to organization, could accomplish this result of making clear to the President and to the Senate the public sentiment on the subject.

I believe that President Cleveland not only favors arbitration but desires to make it an achievement of his administration. He has never failed to stand firmly by the public credit; he has already emancipated us from the spoils system; he is in warm sympathy with the new movement for the reform of our antiquated forest policy, and we need have no doubt that he is thoroughly in sympathy with this movement. I think, in fact, that he regarded his message as a plea for arbitration; however much one may differ with him in the estimate of its results, so much at least must be put to his credit.

The President being with us, then, the chief and most practical object of this Conference would be to organize public sentiment, that of the newspapers first of all; to collate their utterances in favor of arbitration, to print them as collated, and to send them, with resolutions, petitions and lists of representative friends of arbitration, in terse form to every member of the Senate; and, by keeping the press informed of such activity, to keep constantly pressing the subject upon public attention.

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#### REMARKS OF MAJOR MARSHAL H. BRIGHT.

*Mr. Chairman, Ladies and Gentlemen,*—Preliminarily let me say there are three ways of editing a paper: One is by postal cards, another is by commercial interests, and the third is by having the editor edit it in the interests of the high moralities. I think the last is much the preferable way.

If you have no policy to carry out, if you possess no unmarketable principles and no conscience, and if you conduct a paper solely or I may say chiefly for the money that is in it, sell your editorial utterances by all means. An editor said some time ago to a large advertiser, "Anything you want to write you can find a place for in our editorial columns." You might pay for articles on arbitration and put them in the editorial columns of such papers; but their moral weight would be *nil* and their influence zero. Another way is to edit by postal cards; that works in this way: You have a clear cleavage of principle drawn, and an irate subscriber or two sends you an angry postal card, and you say, "If I do not look out I shall lose that subscriber," and so you try to edit so as not to get

any more angry postal cards. That makes your nerveless subscriber your editor. Influential papers, papers of character, are not edited in this way. The third way is to have the paper edited by the editor,—a man who dictates the policy of the paper, who carries it on in the interests of the truth, and whose aims are high. That is the sort of journals we want. We have not many such daily papers in New York; I think you can count them all on your fingers and leave out the thumb. But there are papers that influence the community, and they are largely the papers which come out once a week. The old-fashioned religious paper has mostly disappeared, and we have instead what is called the “family paper.” The editors take a week for the preparation of articles, they write discriminatingly, and what they say has influence with the public mind and thought.

What editors can do to further the objects of this Conference is to digest its discussions and write intelligently upon them. I hope the proceedings of this Conference will be placed in the hands of the editors of all principal papers, and that they will be led to advocate arbitration and to avoid either of the extremes against which we have been warned by such speakers as Senator Edmunds and Mr. Kasson. The man who seeks too much might as well hunt the wind or cry aloud in the desert; the man who aims too low and attempts too little,—why, he is a farmer that does not cultivate his field, he is a lawyer without a brief. We have had the practical, we have had the theoretical, put before us; what becomes our duty, editors as well as ministers, is to put the subject before the people effectively, and in Bacon’s “white light.” Aggregately, the sacred office of the ministry is more influential than any calling in this country; from the ninety thousand pulpits it sends forth messages to stimulate thought and create public opinion. Selectively and concretely the editor is the stronger power, for the simple reason that he preaches to a larger constituency. It takes thirty thousand birds to establish a species; it takes about five thousand circulation to establish a paper of character, standing and influence. The circulation of weekly papers varies from five thousand to fifty thousand, and their readers are five times that number. You see what a power this is.

I wish a word could reach every editor in the country, and induce him to take up his pen and write upon this subject understandingly and effectively,—a subject which is worthy of the kingdom of God upon earth, and worthy of the song of peace which once the angels sang, but which now others are singing,—those others who hold the Christian hope and the Christian faith. Let us all hope that the time will come when the press of the country,—not only the religious press but the daily secular press as well, will be lifted up to the plane of the highest moralities. To-day many of the newspapers are so many channels for frivolity, for scandal, for corruption. In the New York *Herald* of yesterday there were but two “sticks” of this Conference, and there were twenty-seven columns of scandal. Let us hope for something better. And as we believe in the correlation of moral forces, so we believe that as the cause of arbitration is lifted up we shall be building, like the builders of the

Parthenon, "better than we know," and so shall we do our part in hastening the time when we can say, with that noble jurist of the United States Supreme Court, Mr. Justice Story —

" Here shall the press the people's right maintain,  
Unawed by influence and unbribed by gain ;  
Here patriot Truth her glorious precepts draw,  
Pledged to Religion, Liberty and Law."

MR. PAINE: We have heard from the press; we shall now have the pleasure of listening to the voice of the church. I have the honor of presenting to you DR. R. S. MACARTHUR of New York.

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### ADDRESS OF DR. MACARTHUR.

*Mr. President, Ladies and Gentlemen,* — In common with others who have addressed you, I came here to listen and to learn rather than to speak and to teach; but I am willing to give a reason for the hope of peace which I cherish. That there is a fulness of time in all God's providences, I think the careful student of history must admit. And I am quite sure that this Conference was born in due time. The session of last year was held in time to help prepare the public mind for the excitements that grew out of the last ten lines of the President's message in December. And this Conference is held in time to help in the creation of public sentiment before the great political parties shall meet to construct their respective platforms. We shall be false indeed to our duty if we do not send to each of those conventions a plank in favor of arbitration for the settlement of international disputes.

I think that we can help in giving a right direction to public thought by rightly estimating the influence the church exercised last December in preventing war and in preserving peace. I speak with much feeling on this subject. I was cradled under a corner of the British flag and grew up to manhood under the protection of its ample folds. I learned to sing, "God Save the Queen;" and now, "My Country, 'tis of Thee." It is a happy thought that both are sung to the same tune. In my early manhood I transferred my allegiance to the Stars and Stripes, with an enthusiasm, a love and a loyalty which no words of mine can exaggerate. I believe that that flag is the hope and the inspiration of the civilized world. Just before the excitement last December I came back from India, where I met many of my colonial brethren from England, where I had received many courtesies from representative men in different parts of the country. Scarcely had I gotten home when the strident tones of war were heard in our beloved land, and all the newspapers were flaming with this spirit. Then dawned that sweet Christmas Sunday, and from ten thousand pulpits went forth the tones of "on earth peace, goodwill toward men." From ten thousand choirs was chanted the song which the angels sang over the plains of Bethlehem. That Sunday was God's benediction upon this troubled world; and when the sun set that Sunday night a new era had dawned. The morning of Monday came, and the newspapers were

issued; there was a new note in every paper, there was a change in every editorial. The pulpit had spoken, the pulpit had vindicated its power, and the press recognized it. All over this broad land of ours was a new day, a new life, a new hope, and an assured peace for the American republic and for the world. (Applause.)

I believe that we shall help very much in creating and diffusing a right sentiment by emphasizing the fact that in our holy evangel from our pulpits the preaching of peace must have a large place. In some churches there are days for this and days for that; I would like to see a day in the church year set apart for international arbitration. Men say that the pulpit must preach the gospel. Most assuredly; but what is the gospel? Good tidings to the world!

Is not universal peace an important element in the good tidings to the world? In a Roman theatre, when once an actor pronounced the words of Terence, the theatre went wild with enthusiastic applause: "I am a man, and nothing common to man is foreign to me." Should not the church say, "I represent the Divine Man, the Prince of Peace, the King of Glory, and nothing belonging to the race for which he died is foreign to the pulpit that appeals in his name"?

I am sure that we have entered on an era that will be recognized in all the ages to come. There is a moral force that is more dominant than the force that is associated with the name of war. Think of the Crimean war, of the sufferings of that army when out of about fifty-five thousand soldiers eighteen thousand were in hospitals; never were British soldiers provided for and managed so poorly. Many tramped all day in the deep snow, with boots without soles, and slept at night on ice or in pools of water. Statesmanship was dumb, diplomacy was helpless. Dr. Russell wrote a letter to the London *Times* which stirred all England. What could be done? Who can bring relief? Then a noble English woman, Florence Nightingale, stepped to the front, as a mightier force than that exercised by generals or statesmen. The Scripture tells us that the shadow of the apostle Peter, falling on the sick, brought with it healing power. The shadow of Florence Nightingale, over many a cot where lay dying a brave Briton, was as the shadow of a great rock in a weary land to wounded body and breaking heart. Her presence was as the presence of an angel of heaven. What have we seen lately? Armenia dying, bleeding at every pore, and the Christian world helpless, tied hand and foot! The trembling tyrant sits on his tottering throne on the banks of the Bosphorus; there he sits, although we have been praying Almighty God to destroy his power by means of the diplomacy of the nations. But all the nations were helpless. What, then? A brave American woman introduces another force, and at the touch of Clara Barton's hand (applause) every door into Armenia opens and a new element of power has come as a part of the evangel of peace and benediction to the world. There are forces that are gentle as the dew, but powerful as the storm; they are silent as the light, but mighty as the sun; they are trackless as gravitation, but resistless as the decrees of the Almighty.

The time has come for us, in disseminating this public opinion, to emphasize the hopeful tendencies that are manifestly at work in the world. We never before lived in a time of so much promise and hope. We may well be sorry that we are not as young as our youngest children for they are to see such marvels, before the first quarter of the twentieth century shall have passed, as the most enthusiastic prophet to-day would not dare to foretell. We see Japan standing on tiptoe, with the sun of civilization and Christianity falling on her upturned face. We see even China beginning to rock amid her ancient conservatism, and reaching out after the hopeful progress of the closing decade of the century. We see India stirred with new forces, a really new India making itself felt. We see Africa stretching out her hands after civilization, after truth, after God. It is a wonderful thing to live in these throbbing minutes. We think of Benjamin Lundy tramping through the snow from Baltimore, Maryland, to Bennington, Vermont, to talk with William Lloyd Garrison of the sin of slavery and of the hope of liberty. The winds of God, sweeping over the hills of Vermont, came to these men laden with slavery's *miserere*; these winds swept past these men chanting liberty's *Te Deum*. So to-day do the winds chant as they pass over these Mohonk hills. From this place have gone out influences to bless humanity and to honor God.

My heart grows tender as I think of these wonderful possibilities. I am glad to have some share in them, if it be simply in catching inspiration from others. The Scotch woman, Jessie, was waiting for deliverance from the siege of Lucknow. Her ear was on the ground as she listened, and she cried at last, "It is the pibroch! 'Tis the slogan of the MacGregors, the bravest o' them a'!" I listen to-day, and I hear the music of the twentieth century. It is the harp of angels, singing once more the song, sung only once by the angelic choir, "On earth peace, goodwill toward men!" (Applause.)

At the close of Dr. MacArthur's address, the Conference adjourned.

## Sixth Session.

Friday Evening, June 5.

The Conference was called to order by Mr. Paine at 7:45. The report of the Business Committee was presented by Mr. Samuel B. Capen.

After expressing the thanks of the committee to gentlemen who had made suggestions which would be found embodied in the report, MR. CAPEN said:

Let me say, before I read the Declaration of Principles, that we have had to keep three points constantly before us, to guide us in our deliberations.

First, we have felt that we must be true to Mohonk, which always takes an advance step. We are trying to be leaders of public thought, and unless we can blaze the path ahead, Mohonk is false to its opportunities and its traditions.

But, secondly, we do not want to take so long a step forward that the great mass of intelligent people shall feel that we are proposing that which is impracticable; for in that way we should lose our power and our ability to influence and hold public thought.

And, thirdly, we have tried to keep before us the supreme importance of making such a declaration as should receive unanimous support. A declaration from a divided Conference would have little power.

We have felt, in the making up of our platform, that there are three things essential. First, in our effort to substitute law for war, we have felt sure that we must have a *permanent tribunal*. We have not felt that it was for us, in making this declaration of principles, to go into detail and state how it should be done. That is a question for the diplomat and the jurist. But that there shall be a permanent tribunal we feel that we must insist. The *personnel* may change, but there must be continuity in the life of that tribunal. As was stated so admirably last night by Dr. Abbott, a permanent tribunal will have its precedents, and when one question is decided a whole class of questions is decided for the time to come. Also, a permanent tribunal would *prevent* controversy. Some years ago, we were trying in Boston to provide what we call a parental school for truants; and in a trip abroad I gave some time to studying the problem. In London I found almost an ideal truant school, and the head of the institution told me that when it was prepared and ready, from that time three-fourths of all the truancy was prevented. The fact that there was such an institution, where a boy could instantly be placed, changed the conditions to such an extent that seventy-five per cent. of them ceased to be truants. It seems to us that the very fact that there is a permanent tribunal where cases can be decided, will be a reason why diplomacy will do everything in its power to

prevent cases from getting into that acute form in which it shall be necessary that they shall be sent to such a tribunal.

And, second, we have felt that we ought to make our platform broad enough to take in all the civilized nations at least; that any attempt at the outset to be exclusive would certainly injure us before the world.

And, third, we have felt that it was important to recognize the fact that, since we last met here, France has officially requested this government to enter into a permanent treaty with her; and it is semi-officially known that this country and Great Britain are also at work upon a similar treaty. We feel, therefore, that while we would have our platform broad enough, it is wise to recognize these facts, and lay the emphasis upon these points which seem most hopeful at this time. With this statement I take leave to submit the following Declaration of Principles:

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### DECLARATION OF THE SECOND ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION.

In the settlement of personal controversies civilization has substituted the appeal to law for the appeal to force. It is high time for a like substitution of law for war in the settlement of controversies between nations. Law establishes justice, war simply demonstrates power. Such a substitution of law for war requires a permanent tribunal to which all nations may appeal. Its *personnel* may change but its judicial life should be continuous; its mere existence would often prevent controversy and its decisions would become a recognized interpretation of international law. It would not impair the sovereignty, lessen the dignity, nor hazard the honor or safety of any nation. The enforcement of its judgments might be safely left to the moral obligations of the nation concerned and the moral sentiments of mankind. Such a tribunal should be so constituted that all civilized nations may, if they choose, by adhering to the treaty constituting it, avail themselves of its benefits. Disarmament of the nations should follow such recognition of, and provision for, the reign of reason over the passions of mankind. The facts that during the past year the Interparliamentary Peace Union, containing parliamentary representatives from fourteen European powers, has formulated a plan for an international tribunal; that France has officially proposed to this country a permanent treaty of arbitration, and that it is semi-officially reported that negotiations are pending between the United States and Great Britain for a similar treaty, justify the belief that the way is now open to create between this country and Great Britain and between this country and France and perhaps with other powers also, some permanent system of judicial arbitration as an essential safeguard of civilization. We assure President Cleveland that a great majority of his countrymen will hail the consummation of such a treaty as the auspicious harbinger of



welfare to the world, assuring peace among leading nations, security and expansion to industry and commerce, steadier employment at more remunerative wages to workingmen, more exalted civilization, a condition of the world more in accord with the enlightened conscience of man and the loving will of God. We earnestly call upon statesmen, ministers of every faith, the newspaper and periodical press, colleges and schools, chambers of commerce and boards of trade, organizations of workingmen, and upon all good men and women to exert their influence in favor of this movement, both in making known to the President their desire for a permanent tribunal and in helping to create a larger public sentiment against war, which shall be an efficient and constant support of the new judicial system thus to be founded.

GEN. EATON moved that the report of the committee be received and adopted.

DR. GALLAUDET: It is with great pleasure that I second the motion. But in urging its adoption as a whole, I feel moved to raise the inquiry whether at one or two points it might not be well to insert after the word law the words "and right." In our language there is an unfortunate lack of definiteness in terms. In the Latin the words *lex* and *jus* appear to represent two ideas that are distinct each from the other; in the French, the words *loi* and *droit* are quite distinct in their meaning; in German the words *gesetz* and *recht*; while in our language the distinction is not made. International law in the strict sense is not law as we use the term in our courts and in our civil life. In dealing with international questions we have often to rise to a position above that of mere law. Law represents power; law does not always represent right. In urging the ideal treatment of international difficulties, we must rise to the highest possible plane of ethics, we must often demand that that shall be agreed to for which no prescription of law exists. I would therefore suggest that the words "and right" should be added.

I am extremely gratified with the Declaration of Principles. Earlier in the proceedings I had a little misgiving lest it might be undertaken to recommend too much in a definite shape. I stand second to no member of the Conference in the elevation of my ideal with regard to what should be done in international relations. But I have learned by hard experience that he who asks at once for the realization of his ideal is often disappointed. He must have his ideal, but he must ask and be satisfied for the time being with something less. This Declaration does not ask for anything unreasonable; it deserves, as I have no doubt it will receive, the unanimous support of the members of the Conference, here and elsewhere.

MR. PRATT: I take the opportunity of supporting the motion in order to quote a letter from Lord Salisbury to Sir James Stansfeld, which shows that the report is not by any means too sanguine. You are aware that an important meeting was held at St. James' Hall, three months ago, where many eminent men made remarkable

speeches. The chairman of that meeting, Sir James Stansfeld,—known I am sure, on this side of the Atlantic as on our side, for his long career of public spirit and devotion to everything that is noble,—forwarded a memorial adopted by the meeting in favor of Anglo-American arbitration to Lord Salisbury, who replied, under date of March 18: “I am glad to be able to inform you that this question is receiving the consideration of Her Majesty’s government and propositions in the direction indicated by the memorial are now before the government of the United States.” Mr. Ritchie, a member of the present ministry, in a speech at Croydon, said: “The government would be glad of some permanent method of arbitration by which any difficulties arising between our brethren across the sea and ourselves might be solved without the possibility of conflict. There are now propositions before the government of the United States proceeding from Lord Salisbury, by which in such cases arbitration might be resorted to.”

MR. LOVE: I very heartily commend the report of the committee; but if we can improve it by a word or two we shall perhaps still heighten its efficacy. If we insert before the word “force” the word “carnal,” we shall strengthen the report. I want us to feel that law and right are forces; that our weapons, not carnal but spiritual, are mighty through God to the pulling down of strongholds. Let us keep the ideas of peace and law and right and reason very high as real forces.

You have referred to France; it is but fair to refer to the action of Switzerland, Denmark and Belgium. They also have passed, by their parliaments, motions in favor of the same end. Switzerland has long been waiting for a treaty of arbitration with us. Our good friend Bajer carried in the Danish parliament a resolution in favor of the same thing. The King of Belgium not only helped to pay the expenses of the last peace congress but endorsed the sentiment for an international treaty with the United States. If we mention one country besides Great Britain we shall honor ourselves and our friends abroad by mentioning the others at the same time.

MR. GARRETT: The last suggestion made by Mr. Love was carefully considered by the Business Committee. Their primary thought was that Great Britain was the one nation which we ought to urge the President of the United States to deal with by treaty at the present time. We were, however, reminded of the very recent step, taken in a direct and official way, by the government of France, and it seemed to us probable that before the outgoing of the present administration two treaties might be submitted to the Senate for ratification,—the one with Great Britain, the other with France. The action of the government of Switzerland is not less than ten years old; it would seem a little out of place to put that on a parity, in an expression of this kind, with that of two governments such as Great Britain and France, which have recently acted so decidedly. It was thought that the nations Mr. Love has named had better be included under the general expression “and perhaps with other powers also.”

MR. MEAD: I sincerely hope that the resolutions which have been submitted by the committee will be unanimously adopted as they stand. In the manner in which Great Britain and France have been specified, and in which the door has been left open to an extension of the principle, everything is said that is wise. But what I chiefly wish to urge is that the amendment for the addition of terms to "law" shall not be made. The term "law" in English, stands for precisely the same things, and for one quite as much as for the other, indicated by the Latin terms *jus* and *lex* and by the German terms *recht* and *gesetz*. "Law" with us does not mean simply statute law; we speak of the *law* of God, the *law* of nature, the reign of *law*. The antithesis presented here is the settlement of things by lawful order or by force; and there is no force with which we have to deal, and which we wish to counteract, except the force of war. The antithesis seems to be strong and complete. And while I sincerely hope that there will be a full discussion of all important matters in these resolutions, I wish to suggest that it is dangerous to enter upon minute criticisms of resolutions which have been framed carefully by men who have in their leisure and thoughtfulness considered all these points.

HON. MATTHEW HALE: I trust that the report may be adopted without amendment. I do not mean that there may not possibly be improvements in phraseology; but we know the character of the gentlemen upon that committee; we are all, I think, satisfied with the spirit of the Platform. These changes have probably been considered by the committee and if we enter upon literary amendment I do not know when we shall get through. The word "law" has many significations, but it is perfectly clear what it means in that Platform. The word "force" has many significations; there is a force in the idea of peace, as Mr. Love has said; there is force, we hope, in our expression of opinion; but the word as used here evidently means physical force, what we sometimes term brute force. The word "law" is used in antithesis to that, meaning, as Mr. Mead has well said, the orderly course of things prescribed by rule, rather than the reign of brute force. I think there is no difficulty in understanding the Platform as it has been reported, and I sincerely trust that unless some grave objection can be pointed out it may be adopted without amendment.

HON. GEORGE S. HALE: I think the resolutions are wise and judicious in what they say, and wise and judicious in what they omit to say. I think that the substitution of any phrase, however much we may defer to the sentiment which leads to its suggestion, would diminish the power of the resolutions. Am I not right,—some of my ecclesiastical brethren will tell me,—in quoting the great Richard Hooker as saying that "law is the mother of God"? The law that we mean is not the law of the United States Senate or of the House of Representatives; it is law in its highest and noblest sense, which includes the declaration of what is right. We propose to establish a legal tribunal; we do not propose to or-

ganize a moral tribunal or a tribunal of any other character than that which may adapt itself and have its power and force in connection with legal tribunals in expounding international law. If you wish to add anything, add a phrase which lawyers are familiar with, "law and justice." But I do not propose to separate these two things by the substitution of another word, which does not seem to me so well adapted to express its purpose.

DR. TRUEBLOOD: To prevent misunderstanding from what was said by Mr. Love, I wish to state that no proposal for a permanent treaty of arbitration has ever been made directly to the United States from any of the governments of Europe except from the two mentioned in the Platform and from the Swiss Confederation in 1882. General resolutions favoring the principle of arbitration have been passed in the parliaments of a number of European nations,—Switzerland, Denmark, Belgium, Holland, Scandinavia, Italy, and I believe also in that of Roumania. But if I remember correctly, none of these resolutions had specific reference to the United States. The proposal of Switzerland, in 1882, had specific reference to the United States, but no attention was given by our government to the proposition at the time, and it has never been renewed by the Swiss government.

MR. LOVE withdrew his amendment.

The question being called for, the Declaration as reported by the committee was unanimously adopted.

On motion of Mr. Capen, it was voted that the president and secretary of this Conference be instructed to send a certified copy of the Declaration of Principles to the President of the United States and to such persons as will most wisely present it to the national political conventions soon to be held, with the hope that its principles may be embodied in the platforms of the national parties.

It was unanimously voted that an Executive Committee of seven be nominated by the Chairman of the Conference, of which he himself should be one, whose duty should be to promote the interests of the Conference during the coming year in every possible way.

The Chairman announced that the existing Business Committee would constitute the Executive Committee thus provided for.

Mr. Capen presented the following resolution, drawn by Mr. Hodgson Pratt, as calling for some special action:

This meeting having learned that there has been constituted in Europe a body consisting of members of all parliamentary assemblies, under the title of "The Interparliamentary Peace Conference," which has for its object the settlement of all international controversies by arbitration; and having learned that this body obtains increasing influence, and is permanently organized by its Bureau at Berne, the

capital of the Swiss republic; hereby invites members of the Senate and House of Representatives of the United States of America who may be visiting Europe this autumn, to attend the next annual meeting of the Interparliamentary Conference, which will be held at Budapesth on the 19th of September next, inasmuch as it is highly desirable that members of the United States Congress should be acquainted and co-operate with the advocates of international arbitration in all parts of the world.

MR. PRATT spoke briefly in support of this resolution, which was then unanimously adopted.

MR. PAINE: It is most fitting that some expression should be given to the feelings of the members of the Conference who have been welcomed here with such cordiality. The Business Committee have requested Rev. Charles L. Thompson to put in form some expression of our feelings, and to present them to you now.

DR. THOMPSON presented the following resolutions, which were received with hearty applause:

The members of the Second Conference on International Arbitration, held at Lake Mohonk June the third to the fifth, desire to express their appreciation of the courtesy of Mr. and Mrs. Smiley in extending to them the hospitality of this beautiful mountain home. During the sessions of the Conference everything that could be done has been done, not only for our comfort but also for our enjoyment, with a generosity and graciousness which has added new significance to the words, "It is more blessed to give than to receive." While we thus express our profound appreciation of the rare courtesy and hospitality of Mr. and Mrs. Smiley, we desire also to record our conviction that by the calling of the various conferences which have given to Mohonk a world-wide fame as a centre of philanthropic activity they have materially advanced the objects so dear to their hearts, and rendered a great and blessed service to humanity and to the kingdom of God. For this ministry, not less than for their beautiful hospitality to us, they are worthy of our gratitude and of our lasting remembrance. The former we hereby most heartily tender to them, while to us the latter will be an enduring inspiration and benediction.

In presenting these resolutions, Dr. Thompson said:

I should not do justice to my own feelings, nor, I am sure, should I express properly the thoughts that are in the hearts of this company to-night, if I did not for a moment speak in expression of our sense of the privilege we enjoy when we are invited to this place of natural and intellectual and moral elevation.

I say natural elevation, for I do not know of any other twelve hundred feet that go up so high toward heaven, nor any other spot that seems to lift us nearer to that great Presence above. Intellectual elevation,—our presence here is the certificate of that, I am sure! And then this is a conspicuous moral elevation. After all, it is that which is the glory of Mohonk. Its scenery is matchless, its society

is choice, but the great ideas cherished and formulated here go out from this place to do good in the nation;—it is that for which Mohonk will be written down in the history of the United States. It looks westward toward the setting sun, where the gloom of a premature night is settling on what remains of the aborigines of our country; and it somewhat lightens that gloom and postpones that premature destiny, by the graciousness of its influence in sending instruction, and through the medium of the government securing help and protection to the Indians in our western States. It looks eastward to the rising sun, to the rising of a new idea which streams out from the place gilded by the light of the Sun of Righteousness,—the idea that peace is the normal relation of civilized peoples toward each other, that law and righteousness and charity and friendship should rule, following the teaching and the example of the Prince of Peace himself.

Suffer me for a moment to emphasize the words of Lyman Abbott spoken yesterday, and to say that the real value of this movement is the firm moral and Christian basis on which it shall stand. Nothing else can be counted upon to endure. This is not a matter of the Anglo-Saxon race alone, for the Anglo-Saxon race, though becoming increasingly dominant in all the world, is represented by only two nations. This is not a matter of the relations of republics to each other, for there are at most only three republics which could come into this relation at present. But under all these diversities of language and nation, there runs a common sub-stratum of conscious religious feeling, of increasing religious knowledge, as truth is spread abroad in the world. That knowledge brought to the consciences and the hearts of the people, must at last constitute the bond that shall make possible and strong and effective a permanent court of international arbitration.

There is now no possibility of binding England and the United States alone, nor France and the United States alone into the fellowship of permanent peace. The solidarity of our race has asserted itself, and we stand, whether we will or not, shoulder to shoulder, all the way round the globe. If the world is to be lifted, it must be lifted as a world. If there is a panic in Buda-Pesth, Wall Street will know it to-morrow morning when the doors open for business. If there is fever in our southern States, the stock-market of Great Britain and France feel the shock. You cannot touch the physical or financial or intellectual interests of any nation on the globe but that you touch them every one. I was in Chicago, years ago, when they were lifting that city out of the marsh to a higher and finer level. I remember the marvellous feat of lifting the Tremont House,—great, six-story, brick building, lifted while business was going on in it from basement to roof, lifted without seam or fracture or peril, because it was lifted *on the level*. And we will be able to impress sentiments of love of peace, and love of law and friendship between two nations, only to the extent at last that we impress those ideas, to the measure of our opportunity, upon all nations of the earth. Therefore, whatever may be the present expediency necessary to begin the organization of a tribunal, I am strongly persuaded that at

last it must be a tribunal whose terms will include, and whose aim shall be the welfare of, the entire human family.

Now, how shall this be accomplished? I come back to the word I spoke a moment ago: the moral basis is the strong one. There is no other level worth our standing upon. The moral force of the ideas represented in this Conference must be brought to the lives especially of the rising generation. We need it in our schools; I hope there will be increasing place in the curriculum of our common schools for studying the relation of nation to nation and the doctrines of national amity and international arbitration. Let us not postpone these themes to the college years of a young man's life. They should go into the earlier stages of education, and be the fundamental lessons taught. They should be taught in our Sunday-schools, and should be a part of the work of our Christian Endeavor Societies. There should be schools of good citizenship, that would teach not only the value of citizenship within the country, but of citizenship in its relations to other countries of the earth. This is a slow process; it will not be concluded by the adoption of a platform and a declaration of principles, important as that may be. It will not be done by enlisting the President of the United States or the British Parliament in support of the measures that are regarded as important in our Conference. Let us count it profoundly true that we have undertaken something which must be built into the growth of our land, be impressed on the boys and girls of our country, from one end of it to the other, and, to the extent of our influence, on all the countries of the world. We shall have universal peace when the rising generation learns those principles, whose original is in Jesus Christ, the Prince of Peace.

I was riding one winter day on a train in Wisconsin to meet an engagement. I looked up from my reading as the light seemed to get fainter, and saw that a dark cloud was spreading over the sky. Presently it grew lighter and I looked out, and there were little white-winged messengers fluttering down past the windows of the car and down to the ground on every side. I rode on, and presently I looked out again and they had thickened; the heavens and the earth were full of them, and they covered the grass and the shrubs, but the train dashed on. I read on, and after a little I became conscious that the train was slowing; I looked out, and those light but countless snowflakes had laid their airy and beautiful fingers in numberless millions, on lever and rod and wheel, and closed in on the machinery of the great engine until it groaned in its effort to carry the train along. The fires were quickened and the throttle pulled out; but the heavens had no end of them, and they closed in on lever and rod and wheel till the great engine had to stop. Fiery is the death which the engine of war has driven through our civilizations all these groaning ages of human history; but the white and beautiful messengers from heaven, in the lives and the hearts and the influences of a peace-loving generation, will close in on its fiery wheels, and by and by, please God, it will stop.

When the pen of history writes down that victory of law and conscience and God, against barbarism and wrong and Satan, it will

be written down that potent among the influences that brought the triumphant end were the Conferences in Mohonk. And we, perhaps, from some other scene, will look down with praise to Almighty God that we have had even the humblest share in the origination of this movement.

RT. REV. CYRUS D. FOSS of Philadelphia was the next speaker.

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### ADDRESS OF BISHOP FOSS.

*Mr. President, Ladies and Gentlemen,*—There is abroad in the world a physiological philosophy of history, of which Professor John W. Draper was one of the chief American exponents, which assumes that nations, like individuals, must necessarily pass through the several stages of infancy, youth, maturity, decay and death. The facts of history, based so largely upon the precedents of war and of other barbarism, have given color of possibility to this most sad philosophy. Macaulay's dismal vision has seemed half prophetic, and pessimists have gloated over the coming time when some New Zealand antiquary shall sit on a broken arch of London Bridge and sketch the ruins of St. Paul's. Must we, then, look forward to a time when the splendid cities and towns, the cultivated fields and farms of England and of the United States shall be given back to the wolves and foxes? For my own part I have a better hope for my nation, for the Anglo-Saxon race, and for humanity itself. I soberly hope that nations now existing will exist while the world stands, and that the royal cross of St. George and the Stars and Stripes will float aloft, honored in every land and respected on every sea, until they perish, among the wreck of all things terrestrial, in the fires of the last day. On what do I dare found so bold a prediction? On the facts that in these two nations intelligence is all abroad?—that schools are multiplied, science has harnessed steam and electricity, a magnificent material civilization has sprung up, moral ideas have been advancing? Not on any of these alone, but on something else suggested to me by events of thousands of years ago. Ten righteous men might have saved Sodom; ten millions of righteous men can save the United States, and ten millions across the sea can save Great Britain.

I believe that the Church of the Living God, "the pillar and ground of the truth," is the only salt of the nations, and the only basis of permanent and triumphal moral reform. One of the earliest maps of the United States now preserved, as I understand, in a museum in Boston, has for the name of the New World, not America, not Columbia, but all across the continent, covering the unexplored centre and the sparsely settled eastern colonies, this Latin legend, "Terra Sanctae Crucis," the land of the Holy Cross. Let that legend be deserved by our beloved republic, and it will never perish until nations are needed no more.

One of the richest joys of this unique and most delightful occasion has been that as we have met from day to day our assembling has



been sanctified by the uplift of our hearts for the blessing of God to rest upon all our work.

Every morning our revered host has read to us from God's most Holy Word, we have sung hymns of praise to the risen Christ, and have united in solemn prayer.

I believe in the triumph of the principle of arbitration, in no distant age, but in the near to-morrow; and why? Because I believe in the word of God and in the Christian church, and in the power of Christian conscience. Because in my heart I can say, as I have said from my childhood, "I believe in God, the Father Almighty, maker of heaven and earth," Father of the race, of all the nations of the earth, who declares to us that "the powers that be are ordained of God;" "I believe in Jesus Christ, his only son, our Lord," and that he is the offered Saviour of all men, of every race; "I believe in the Holy Ghost," and in the omnipresent influence of the blessed Spirit; "I believe in the Holy Catholic Church," the one universal church of Jesus Christ upon earth, and that it is "the pillar and ground of the truth." And I believe in the triumph of the principles that have been enunciated here from day to day, and that they will gain currency in the earth, because I cannot think that the righteous God and the redeeming Saviour and the blessed Holy Spirit and the Holy Catholic Church can ever be less interested in these things, and less efficient in the promotion of these ideas, than to-day.

I therefore congratulate you, sir, who preside over us to-night, and you, ladies and gentlemen, on the privilege of being here, through these three delightful and inspiring days on this which seems to me a sacred mount, engaged in the consideration of the profoundest interests of the human race for the ages that are to follow. And I share in the belief of my eloquent predecessor in this place that in some humble way, by the blessing of that all-loving Father, whose gracious favor we continually invoke, our endeavors may be found to have made some humble contribution to results so devoutly to be wished.

The last address of the evening was made by REV. SAMUEL E. HERRICK, D.D., of Boston.

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#### ADDRESS OF REV. S. E. HERRICK, D.D.

*Mr. President, Ladies and Gentlemen,*—For three days we have been here talking together, and now you have asked me to say the last word, — a difficult position of responsibility, which I accept as a position of honor. Everything has been said which can be said legitimately upon the subject, we have had discussion of the utmost amplitude and thoroughness, and we have had the outcome in this platform or declaration of principles which has been unanimously adopted.

What is it that we have done? What is the great thing which

has been accomplished by the three days of thought and prayer and discussion and fellowship? While we have been sitting here, engaged in this pleasant business, more than once I have thought of those wonderful researches of Sir John Lubbock, in which he has shown us the wonderful system,—social, military, you might almost say religious,—which prevails among the ants. And I have thought that possibly, as he kept the ants under his eye and watched the development of their institutions, so possibly some higher intelligences may have been looking down upon us. If so, they must have been awed, amazed, and possibly amused, by turns. While we have been groping and feeling our way among puzzling questions, they must have desired to extend to us some helpful suggestion. Have you never stood by an ant-hill and watched those little people struggling with difficulties, some trying to carry a load too heavy, some confused and wandering; and have you not felt as if you would like to pry the burden along, to direct the little folk back into the way to their homes? So possibly some of those higher intelligences may have desired to help us along, seeing us groping after the light. But no; no good thing in human life, in human character, in human destiny, can be mechanically bestowed, or automatically wrought out. Whatever good man has attained or ever shall attain must be attained through his own unwearied search, groping in darkness, feeling after the truth, and expecting that the Father who watches over the interests of his ignorant and helpless children will lead them into the truth.

It is so that all human development has proceeded; it is the struggle God has ordained. So all science is developed, so all art is developed, so man reaches his highest result in painting, in music, in architecture, so also in social life, and so in the progress of jurisprudence. We must find the best and highest through this everlasting endeavor, under that God who surely will guide man up into truth, as he guides the little people of the earth into their wonderful organization. Shall God care for ants, and not for his children?

This Mohonk Conference would have its all-sufficient vindication if it only revealed to us something more of the wide extension of the moral progress of mankind. Only a year ago you were here, considering the question whether or not some system of arbitration might not be adopted on the part of two principal nations of the world. But you have got far beyond that now, and we are here insisting on a permanent court, that may finally be extended until it embraces the jurisdiction of all mankind. But this Conference has done something more than this. We have been made aware of some of the difficulties which beset that moral progress, especially toward the ends which we desire to reach. I thank Mr. Kasson for doing what he did, ungrateful as the task must have been. In old times, when it was proposed to canonize a saint, one was appointed who was called the "devil's advocate," to subject the character of the proposed saint to the closest scrutiny, and to say everything which could be said against the canonization. It was an ungracious task, but highly important. Mr. Kasson served us in that beneficent and valuable way, by showing us the obstacles which lay in the path of

our progress. We have learned what those obstacles are, and we have concluded, as our Platform seems to show, that they are not so immense and overwhelming that we may not go forward and expect that they will vanish. It is safe to canonize whom God Almighty declares to be a saint. It is safe to make a declaration of principles which are manifestly based upon the word of God, as that word has come down to us through the enlightened consciences of the men of the past, and as it lives now in the consciences of men of righteousness to-day.

Man has again and again passed beyond the conceptions of his highest imagination, again and again surpassed the attainment of his best ideals. Ideals change; the ideals of Elizabeth's time were not the ideals of our day. Limitations change, and we find that the things that we thought would resist us and our progress yesterday, when to-day comes have passed away. Was it Sir David Brewster, or was it Dr. Lardner, who, in the early part of this century, made an elaborate scientific argument to prove that a steam vessel could by no possibility cross the Atlantic Ocean, because one could not be built large enough to carry a sufficient amount of coal to steam her over? At the very time he was violently making that assertion the boat was half-way across the Atlantic, and she got all the way across. So whatever objections there may be to what is right and good, build your boat and go ahead; and if it will not carry coal enough to take you over the ocean, let it leave you in mid-ocean,—better be there and be right!

We have been shown that here is an opportunity for the two most powerful nations on earth to give to the world an object-lesson in thrift, in economy. And how the world needs such an object-lesson as that to-day! How much would be liberated of human strength, human life and human genius for the service of mankind by the cessation of war! Somebody has said that every farmer in Europe has to carry a soldier on his back; let us get rid of the soldiers, and turn them into farmers. A lesson of thrift and economy,—yes, but something better than that,—an object-lesson in justice. And something better than that,—an object-lesson of the central and essential character of our Christian revelation, for which creation has waited and sighed so long,—the “revelation of the sons of God.”

Because I believe that the present age is seizing, as it has never seized before, upon the spirit and method of the world's everlasting Creator; because I believe in the ethical and spiritual as well as the physical evolution of mankind; because I believe in a God who is working in nature, and through human nature; because I believe that what is valid on rational grounds as a theory is also valid and good for practice; because I believe that God is conducting that progress so magnificently illustrated in all history from the times of brute animalism to those of humanity, and from the savagery of Sardanapalus to the gracious refinements of the reign of Victoria; because I see that right, if not now omnipotent, is ever tending toward omnipotence; because if the fact that a thing ought to be is not evidence that the right has yet anywhere its fullest objective

realization, it is yet a reason that it will be;—because of this I believe that the time is most surely on the way when, as a sainted and loving man, Edmund H. Sears, sang :

“ Peace shall over all the earth  
Her final splendors fling,  
And the whole world give back the song  
Which now the angels sing.”

MR. PAINE: It is now my privilege and duty, of mingled pain and pleasure, to draw this Conference to a close. Pursuant to this end I express in the united names of us all our most cordial appreciation to you, Mr. Smiley, and to the gracious and lovely woman who has blessed your life. May I not express also, in all our united names, thanks to each of you who have attended this Conference, and made it so brilliant and successful, and the assurance which we all feel of the great benefit to grow out of a gathering comprising eminent jurists, able lawyers and the strongest men? If you are few in numbers, you are yet powerful in influence. Let me also, in your names, thank Mr. Hodgson Pratt (applause), who has crossed the Atlantic for the first time, bringing to this Conference and to this country the assurance of the strong respect of Great Britain for us, her children. We will not take him at his word and suppose that Great Britain is so small that one of our ships-of-war could take it and, as the *Spectator* said a few years ago, “tow it up the Mississippi River”; but we delight to authorize Mr. Pratt to carry back to Great Britain the assurance of our hearty respect. He may tell his countrymen that in this Conference no detestable “jingo” appeared to mar the unanimity of our respect and love for the mother country.

We speak sometimes of the rapidity with which the world moves. This Conference illustrates it; the growth of sentiment on this subject with which we are dealing proves it. And yet, a few years ago, when I had the privilege of going up the Nile, and was interested in reading about the Prysse papyrus, the oldest piece of literature in the world, I found that one of the thoughts contained in it was on the duty of those possessing powers to use them for the benefit of the world. That is what we are doing to-day. I think it was Phillips Brooks who said: “The power of a man consists in his idea, multiplied by his personal influence.” What is our idea? What is it that has brought this Conference together? Rising above details, I should put it in this form: it is the determination on our part to do what we can to keep our country true to its great mission. And what is that? Dealing now with the special question in which we have been interested, it is to secure such an agreement as will preserve perpetual peace between Great Britain and the United States. That is the consummation for which we hope, and toward which we have reasonable assurance that great progress will be accomplished during the present year.

What a wonderful consummation that will be! A little over a hundred years ago, when the Federal Constitution had been prepared, it was ably advocated by Hamilton, Madison and Jay, and other able and brilliant men, and was carried. Now, as we look

back to it as a familiar thing, we scarcely appreciate that that is the grandest document which ever came from the hand of man. If now we can do anything to bring about the execution of another document, similar in character, which will unite two nations, three, four, all nations, in perpetual peace, that will be a document surpassing even the transcendent constitution under which we are blessed to live.

After a few words of farewell and of expression of hope for the future from Mr. Smiley, the Conference was declared closed.

## MEMBERS OF THE CONFERENCE.

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 MORRIS, MR. and MRS. ELLISTON P., Germantown, Pa.  
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 PAINE, HON. ROBERT TREAT, President American Peace Society, Boston, Mass.  
 PIERCE, HON. EDWARD L. and MRS. PIERCE, Milton, Mass.  
 POWELL, MR. AARON M., Editor *The Philanthropist*, and MRS. POWELL, Plainfield, N. J.  
 PRATT, HODGSON, Chairman International Arbitration and Peace Association; 40 Outer Temple, Strand, London, England.  
 REMICK, REV. N. B., Editor *Light and Life*, Geneva, N. Y.  
 RHODES, MRS. BRADFORD, Mamoraneck, N. Y.  
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